

BERNALILLO COUNTY
Board of County Commissioners (BCC)
Administrative Meeting

Maggie Hart Stebbins, Chair
Debbie O'Malley, Vice Chair



Art De La Cruz, Member
Lonnie C. Talbert, Member
Wayne A. Johnson, Member

Tom Zdunek, County Manager

Agenda

Tuesday, March 26, 2013 @ 3:00 PM

VINCENT E. GRIEGO CHAMBERS

- 1. CALL TO ORDER**
- 2. ANNOUNCEMENT OF ADDITIONS AND CHANGES TO THE AGENDA**
- 3. PROCLAMATIONS**
- 4. CERTIFICATES AND AWARDS**
 - A. COMMISSION:** Certificate of Recognition for Parks and Recreation
Presentation of Certificate of Recognition to the Bernalillo County Parks and Recreation Department, Director Ed Chismar and Barbara Baca.

ATTACHMENTS:
 - Certificate of Recognition for Parks and Recreation (PDF)
 - Certificate of Recognition for Ed Chismar (PDF)
 - Certificate of Recognition for Barbara baca (PDF)
- 5. PUBLIC COMMENT**
- 6. MINUTES APPROVAL**
 - A. BOARD OF COUNTY COMMISSIONERS:** Minutes of the March 12, 2013 Administrative Meeting
Approval of Minutes

ATTACHMENTS:

- 3-12-2013 Adm (PDF)

7. APPROVAL OF CONSENT AGENDA**A. SOLID WASTE AND DIVERSIFIED SERVICES:** Elevator Upgrades at 5100 2Nd St NW, 6840 2Nd St NW, 5901 Zuni SE and 111 Union Square NW

Motion to approve expenditures exceeding \$150,000 on the current contract with ThyssenKrupp Elevator for elevator upgrades.

Pursuant to Resolution AR2012-17, contracts with expenditures that exceed \$150,000 require Board approval. Bernalillo County's current contracts with ThyssenKrupp Elevator for elevator control systems. Maintenance is at \$88,080. ThyssenKrupp holds the GSA Federal Supply Service Multi Award Schedule Contract that the county used for cooperative procurement.

The elevators at 5100 2nd St NW, 6840 2nd St NW, 5901 Zuni SE and 111 Union Square NW have exceeded the overall life expectancy of elevator control systems with all units being in excess of 20 years of age. The upgrade will increase operation and reliability of the elevators for another 20 years. Upon completion, these elevators will meet all current National and Local Elevator Code requirements as well as current ADA and Life Safety Requirements. The upgrade cost for the four is estimated to be \$222,800. The interior of the elevators will not be upgraded.

Staff requests the Board's approval increasing the current contract with ThyssenKrupp Elevator above the \$150,000 limit for the modernization of elevators at 5100 2nd St NW, 6840 2nd St NW, 5901 Zuni SE and 111 Union Square NW.

ATTACHMENTS:

- FAF Elevator Upgrades - 4 bldgs 3 26 2013 (XLSX)

B. SOLID WASTE AND DIVERSIFIED SERVICES: Upgrade Card Access for County-Wide Facilities

Motion to approve expenditures exceeding \$150,000 increasing the current contract with MCB Enterprises, Inc. dba Security & Access System for card access upgrades.

Pursuant to Resolution AR2012-17, contracts with expenditures that exceed \$150,000 require Board approval. Bernalillo County currently contracts with MCB Enterprises, Inc. dba Security & Access System for upgrading the County wide card access system, to include hardware, software and partitioning.

This system allows easy access with door controllers using electronic cards. It allows for the system to be centrally administered to remote locations, connecting County facilities with one card accessing for County facilities This upgrade standardizes County supported card access systems from four to one, allowing all operated County facilities single card access while reduced hardware, software and maintenance costs. This upgraded system, appropriately partitioned, will allow independent management by appropriate personnel, with proper auditing, and be centrally monitored and maintained.

Staff requests the Board's approval increasing the current contract with MCB Enterprises, Inc. dba

Security & Access System above the \$150,000 limit to upgrade card access for county-wide facilities.

ATTACHMENTS:

- Card Access Upgrade FAF 3 26 2013s (XLS)

8. ADOPTION OF ORDINANCE/AMENDMENT TO COUNTY CODE

A. LEGAL: Ordinance Regulating the Operation of Sexually Oriented Businesses

Convene a Public Hearing.

Motion to adopt **Ordinance 2013-** regulating the operation of sexually oriented businesses.

The proposed ordinance was approved for notice and publication at the February 12, 2013 Administrative Meeting and is now coming back for final adoption. No comments were received. The Sexually Oriented Business Ordinance (SOBO) is a business registration ordinance which is designed to lessen the adverse secondary effects of sexually oriented businesses that are legally located in the county under the zoning code. This ordinance will regulate the operation of sexually oriented businesses that provide live or recorded entertainment or might allow specified sexual activities on their premises, in order to promote the health, safety, and general welfare of the citizens of the County and to minimize the deleterious secondary effects of such sexually oriented businesses both inside such businesses and outside in the surrounding communities. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative performances, including sexually oriented performances. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented performances protected by the First Amendment, or to deny access by exhibitors of sexually oriented entertainment to their intended market.

A similar ordinance was recently passed in the City of Albuquerque and it is important to adopt a County law that is as stringent as the City regulations so that poorly run businesses are not likely to open establishments in the County as an alternative to the City. SOBO creates a process so that business owners are given due process in cases where a business is found to be in violation of the ordinance and ordered to cease operating as a sexually oriented business.

ATTACHMENTS:

- SOB Ordinance (DOC)

9. ADOPTION OF RESOLUTION

A. DSAP: University of Health Services Center (UNMHSC) Grant for Serial Inebriate Intervention Program

Motion to:

1. Approve a four year Agreement between the County of Bernalillo and The Board of Regents of The University of New Mexico for the Sobriety Observation Program at the Department of Substance Abuse Programs (DSAP)--Metropolitan Assessment and Treatment Services (MATS) Facility. This Agreement will support the Serial Inebriate Intervention Program (SIIP).
2. Financial Resolution **FR-2013-** to increase the budget in the amount of

\$416,000 which will be distributed \$104,000 per fiscal year over a 4 year period for the purpose of accepting and budgeting funds from The University of New Mexico Health Sciences Center to support the Serial Inebriate Intervention Program (SIIP).

3. Authorize the County Manager to execute any future amendments to this agreement.

Staff requests approval of this Agreement between the County of Bernalillo and The Board or Regents of The University of New Mexico Health Sciences Center (UNMHSC) that will support the Serial Inebriate Intervention Program (SIIP) at the Department of Substance Abuse Programs (DSAP)--Metropolitan Assessment and Treatment Services (MATS) Facility. The purpose of this program is to relieve congestion in UNM Hospital's Emergency Room and Psychiatric Emergency Services and reduce the number of bookings at the Metropolitan Detention Center (MDC) by providing stabilization, observation, and placement support services to public inebriates in Bernalillo County. DSAP has partnered with the Albuquerque Police Department and the Albuquerque Fire Department to identify inebriates in the community and offer voluntary transportation to the SIIP program. This programming will establish a sober location for intoxicated individuals delivered via medical transport or law enforcement and will help eliminate deliveries of inebriates to the University of New Mexico Hospital (UNMH) or to the Metropolitan Detention Center (MDC).

ATTACHMENTS:

- SIIP MOU (PDF)
- Financial Analysis Form SIIP-revised (XLSX)
- Financial Resolution (SIIP) (DOCX)

10. APPROVALS

11. COMMUNICATIONS

12. BOARD AND COMMITTEE APPOINTMENTS

A. COUNTY MANAGER: Joint Air Quality Control Board Appointment

Motion to approve the appointments of Mr. Robert A Goldstein, and Jens W. Deichmann to the Joint Air Quality Board.

The Board of County Commissioners in March 1994 adopted Bernalillo County Code, Section 30-32, creating the Joint Air Quality Control Board, establishing board membership, procedural requirements and responsibilities. The Board shall administer and enforce the Air Quality Control Act and any regulations relating to air pollution applicable within Albuquerque and Bernalillo County. The Board, in accordance with the Air Quality Control Act, shall prevent or abate air pollution within the City of Albuquerque and County of Bernalillo. Powers of the Board are referenced in Ordinance No. 303, Section 4.

Chair Hart Stebbins requests the appointment of Robert A Goldstein, M.D. to the Air Quality Control Board. He was previously employed by ABQ Health Partners, from 2008-2010, prior to that was Lovelace Clinic/Lovelace Health Systems, from 1977-2008. This term is for three years ending March 12, 2016.

Chair Hart Stebbins requests the appointment of Jens W. Deichmann to the Air Quality Control

Board. Mr. Deichmanns currently works at New Mexico Copper Corporation from 2011 - present. Prior to this he worked at Parametrix from 2009-2011. This term is for three years ending March 12, 2016.

ATTACHMENTS:

- Jens Deichmann resume 1-3-13 Air Quality Board (DOCX)
- Robert Goldstein Resume Mar 2013 Air Quality Control Board (PDF)

B. PUBLIC WORKS: Public Works Selection Advisory Committee

Motion to approve appointments to the Public Works Selection Advisory Committee.

The County Public Works Selection Advisory Committee is authorized through Section 2-398 of the County Code. The Committee is comprised of five members to include a citizen-at-large not associated with the County or any professional firm. Members are selected from County staff and the citizen-at-large and alternate shall serve two-year terms.

If approved, the existing citizen-at-large members, Roger Zimmerman, Ph.D., P.E., and alternate Norm Falk, are nominated to serve successive terms. Many of the issues brought before the Committee will benefit from their educational background and experience as engineers. The duties of the Committee are to render advice on the selection of professional architectural, engineering and other design professional services required on all Public Works projects. Nominations for the year 2013-2014 follow.

1. Citizen-At-Large Roger M. Zimmerman, Ph.D., P.E.; Alternate-Norm Falk.
2. Deputy County Manager for Public Works; Alternate-Infrastructure Planning Geo Resources Director
3. Public Works Technical Services Director; Alternate-Solid Waste and Diversified Services Director
4. Assigned Technical Services Section Manager
5. Senior Buyer; Alternate-Purchasing Director

Departments in other divisions may have procurements for professional services that warrant utilizing this 'Selection Advisory Committee' process. The use of alternates under Section 2-398 allows the respective Deputy County Manager, Department Director, and assigned Section Manager that are applicable to the procurement to sit on the Selection Advisory Committee in lieu of the Public Works Division staff presented above. As an example, for a Parks & Recreation trail project, the DCM for Community Services, the P&R Director, and the assigned P&R section manager would sit on the committee.

Staff requests the Board's approval of the list of appointments as presented, including the approval of the use of alternates from other departments for their applicable projects.

ATTACHMENTS:

- Zimmerman Resume (DOC)
- Falk Resume (DOC)

C. BOARD OF COUNTY COMMISSIONERS: Estancia Basin Water Planning Committee Appointment

Motion to approve the reappointment of Daniel McGregor to the Estancia Basin Water Planning Committee.

The Estancia Basin Water Planning Committee was formed through a Memorandum of Understanding (MOU) with Torrance and Santa Fe Counties in 1995. The MOU specifies thirteen (13) voting members with the addition of various non-voting members for coordinated water planning in the Estancia basin. The MOU specifies two Bernalillo County members: 1) a government representative; and 2) a representative from the municipal/developer/utility interest. Mr. McGregor was originally appointed as the government representative in December 2005 and his current term has expired.

Mr. McGregor is a Certified Professional Geologist through the American Institute of Professional Geologists, a Licensed Geologist in the State of Texas, and a member of the New Mexico Geologic Society. During his tenure as the County Hydrogeologist within the Public Works Division Infrastructure Planning and Geo Resources Department, he has brought all County wells and wastewater systems into permits compliance, has performed numerous subdivision and special use application reviews for the CDRA and CPC, and has provided technical assistance to other County departments. During his past terms with the Estancia Basin Water Planning Committee, he has been instrumental in the *Update of the Estancia Basin Regional Water Plan*, serves as the Committee's representative on the Interstate Stream Commission's Regional Water Planning Advisory Committee, and has reviewed major subdivision and water development proposals within the Estancia Basin on behalf of the Committee. He has also been instrumental in helping the Committee acquire grant funding. This is a three (3) year term and will expire March 26, 2016.

ATTACHMENTS:

- Dan McGregor Resume March 2013 (DOCX)

13. DISCUSSION

14. ANNOUNCEMENT OF NEXT COMMISSION MEETING:

- A.** Tuesday, April 9, 2013 Administrative Meeting @ 5:00 p.m., Vincent E. Griego Chambers

15. SIGNING OF OFFICIAL DOCUMENTS

16. ADJOURNMENT OF MEETING



Board of County Commissioners (BCC)

Meeting: 03/26/13 03:00 PM

Department: County Manager
Prepared By: Yvette Chavez
Director: Tom Zdunek
DCM: None

Title: Certificate of Recognition for Parks and Recreation

Action:

Presentation of Certificate of Recognition to the Bernalillo County Parks and Recreation Department, Director Ed Chismar and Barbara Baca.

Summary:

The Bernalillo Board of County Commissioners would like to recognize the Bernalillo County Parks Department, Director Ed Chismar and Barbara Baca for their outstanding efforts to design, develop, and coordinate the 2013 New Mexico Recreation and Parks Association Annual State Conference held in Albuquerque from February 26 through March 1.

Attachments:

- Certificate of Recognition for Parks and Recreation (PDF)
- Certificate of Recognition for Ed Chismar (PDF)
- Certificate of Recognition for Barbara baca (PDF)

Certificate of Recognition

given to

Bernalillo County

Parks and Recreation Department

For its outstanding efforts to design, develop, and coordinate the 2013 New Mexico Recreation and Parks Association Annual State Conference held in Albuquerque from February 26 through March 1.

This year's theme was "Building Communities, Impacting Lives" and the conference, which included 250 participants and 45 sponsors, was hosted by Bernalillo County and the City of Albuquerque. It was one of the association's most widely attended conferences and offered exemplary educational opportunities on topics such as trails, parks, open space, aquatics, recreational programming, and professional development.

Presented

March 12, 2013

Maggie Hart Stebbins, Chair

Debbie O'Malley, Vice Chair

Art De La Cruz, Member

Lonnie C. Talbert, Member

Wayne A. Johnson, Member

Bernalillo County
Board of County Commissioners

Certificate of Recognition

given to

Ed Chismar

Bernalillo County Director of Parks and Recreation

For his outstanding efforts to design, develop, and coordinate the 2013 New Mexico Recreation and Parks Association Annual State Conference held in Albuquerque from February 26 through March 1.

This year's theme was "Building Communities, Impacting Lives" and the conference, which included 250 participants and 45 sponsors, was hosted by Bernalillo County and the City of Albuquerque. It was one of the association's most widely attended conferences and offered exemplary educational opportunities on topics such as parks, aquatics, open space, and professional development.

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Bernalillo County
Board of County Commissioners

Attachment: Certificate of Recognition for Ed Chismar (2779 : Certificate of Recognition for Parks and Recreation)

Certificate of Recognition

given to

Barbara Baca

City of Albuquerque Director of Parks and Recreation

For her outstanding efforts to design, develop, and coordinate the 2013 New Mexico Recreation and Parks Association Annual State Conference held in Albuquerque from February 26 through March 1.

This year's theme was "Building Communities, Impacting Lives" and the conference, which included 250 participants and 45 sponsors, was hosted by Bernalillo County and the City of Albuquerque. It was one of the association's most widely attended conferences and offered exemplary educational opportunities on topics such as trails, parks, open space, aquatics, recreational programming, and professional development.

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Bernalillo County
Board of County Commissioners

Attachment: Certificate of Recognition for Barbara Baca (2779 : Certificate of Recognition for Parks and Recreation)

1 REGULAR ADMINISTRATIVE MEETING
2 BOARD OF BERNALILLO COUNTY COMMISSIONERS
3 TUESDAY, MARCH 12, 2013 - 5:13 P.M.

4 VINCENT E. GRIEGO CHAMBERS
5 ONE CIVIC PLAZA, N.W. CONCOURSE LEVEL II
6 ALBUQUERQUE, NEW MEXICO

7 BEFORE: PAUL BACA
8 Certified Court Reporter
9 For the State of New Mexico
10 PAUL BACA PROFESSIONAL COURT REPORTERS
11 500 Fourth Street, NW, Suite 105
12 Albuquerque, New Mexico 87102

13 A-P-P-E-A-R-A-N-C-E-S

14 MAGGIE HART STEBBINS, Chair
15 DEBBIE O'MALLEY, Vice Chair
16 LONNIE C. TALBERT, Member
17 ART DE LA CRUZ, Member
18 WAYNE A. JOHNSON, Member
19 TOM ZDUNCK, County Manager
20 TERESA BYRD, Deputy County Manager, Finance & Budget
21 RANDY AUTIO, County Attorney
22 SHIRLEY RAGIN, Budget Director
23 NICHOLAS HAMM, Zoning, Building & Planning
24 MAYLING ARMIJO, Economic Development Director
25 CHRIS GOBER, Bernalillo County Fire Marshal
26 BETTY VALDEZ, Housing Department Director

Attachment: 3-12-2013 Adm (2765 : Minutes Approval for March 12, 2013 Administrative Meeting)

1 CHAIRWOMAN HART STEBBINS: Good evening. The
2 administrative meeting of the Bernalillo County
3 Board of Commissioners, Tuesday, March 12th, is
4 hereby called to order. We're going to begin
5 tonight's meeting with a silent invocation, followed
6 by the Pledge of Allegiance, led by Paul Baca.

7 (Whereupon, there was a moment of
8 silence.)

9 (Whereupon, the Pledge of Allegiance
10 was led by Mr. Paul Baca.)

11 CHAIRWOMAN HART STEBBINS: Thank you, Mr. Baca.

12 Mr. County Manager, are there any changes
13 or additions to the agenda?

14 COUNTY MANAGER ZDUNCK: Madam Chair, we have a
15 few. On the agenda, we asked the Commission to
16 consider hearing Items 3A, B and C. However, we
17 would like to ask that 3A be deferred and ask you to
18 consider voting on Items B and C to be heard.

19 If you choose to do so, we would recommend
20 moving Item B to become 11C and Item C to become
21 14A.

22 CHAIRWOMAN HART STEBBINS: Commissioners, are
23 there any objections to hearing Items 3B and 3C at
24 this meeting?

25 All right. Seeing none, we will do that.

1 So can you give me those numbers again? We'll move
2 3B to 11 --

3 COUNTY MANAGER ZDUNCK: Madam Chair, Item 3B
4 will become 11C, and then Item 3C will become 14A.

5 CHAIRWOMAN HART STEBBINS: All right. We are
6 on Item Number 4, Proclamations.

7 Commissioner Johnson.

8 COMMISSIONER JOHNSON: Thank you, Madam Chair.
9 I'll just go ahead and read this.

10 "The County of Bernalillo is committed to
11 ensuring the safety and security of all those living
12 in and visiting our county.

13 "Wildfire is a serious public safety
14 concern, both locally and nationally. And the
15 residents of Bernalillo County are urged to protect
16 their homes and families by creating defensible
17 space on their properties. Thinning trees, trimming
18 and removing dead branches and leaves, and mowing
19 grass and leaves can help lessen the threat of
20 wildfire-related damage to homes."

21 In a related event, East Mountain
22 residents are encouraged to recycle their green
23 waste during Green Waste Days, held March 30th
24 through April 14th at the East Mountain Transfer
25 Station, 177 Highway 333 in Tijeras, from 8:00 a.m.

1 to 4:00 p.m. each day. There will be free green
2 waste dropoff during that period.

3 And this is to celebrate or at least
4 acknowledge Wildfire Awareness Week, March 31st
5 through April 6th.

6 Chief Gober, do you want to tell us a
7 little bit more about this?

8 MARSHAL GOBER: Sure. Madam Chair, Chris
9 Gober, Bernalillo County Fire Marshal.

10 What this is trying to do is to get the
11 message out to people that whether you live in the
12 East Mountains, the valleys, or along the Bosque,
13 that this type of putting stuff off needs to stop.
14 We need to create defensible space.

15 So we need to start protecting our homes,
16 in case we do get the alarming fire. It's a not
17 matter of if, it's a matter of when. This year it's
18 looking like we're going to go into an extreme
19 drought again, a severe drought, like we were in
20 last year, when we went into an extreme drought. So
21 our chances of fire increase every day without
22 getting moisture.

23 COMMISSIONER JOHNSON: And I want to emphasize
24 this for particularly East Mountain residents, but
25 also for Bosque residents.

1 Creating a defensible space around your
2 house determines -- is a large determining factor as
3 to whether or not the County Fire Department will go
4 in and attempt to save your home, in the event of a
5 fire.

6 They're not going to risk personnel and
7 lives and equipment in a losing fight. And that
8 defensible space is pretty obvious when you see it,
9 but it's also very necessary, and it doesn't look
10 bad. You know, you think of it as being a
11 moonscape, and that's not what we're talking about
12 here.

13 We're talking about good areas that you
14 can get equipment into, which you can get between.
15 It takes a little while for fire to jump from tree
16 to tree or distance in a higher wind, so we have a
17 fighting chance to save the structure and
18 potentially life.

19 MARSHAL GOBER: Madam Chair and Commissioner,
20 that's great. You not only create a defensible
21 space to protect your property, you also bring in
22 some more of the natural habitat, the air, the
23 rabbits, the birds. So it's more enjoyable around
24 your home.

25 COMMISSIONER JOHNSON: Thank you. And I want

1 to personally thank the Fire Department and all that
2 they do all year round to fight fires and make
3 this -- keep us from having those fires, preventing
4 fires. We don't think about that all the time when
5 we're talking about a Fire Department.

6 Usually, you call them when you have a
7 fire. But they do a great deal of work to try and
8 prevent fires. They really do.

9 And on that note, we're having a joint
10 meeting. Normally, District 5 has an East Mountain
11 fire meeting and Ciudad has their own fire meeting.
12 This year we decided to kind of team up. And we
13 want to get as many folks out as we can to teach
14 them about defensible space, what to do in case of
15 emergency. And as we team up with Ciudad on a lot
16 of issues in creating defensible space, it just
17 seemed like a no brainer.

18 And so we're going to have a joint
19 County/Ciudad fire meeting March 30th, from 9:00 to
20 3:00, and it will be at the McGrane Public Safety
21 Complex. And that will kick off our green waste
22 recycling event which I mentioned earlier.

23 And that starts March 30th and goes
24 through April 13th at the East Mountain Transfer
25 Station. Thank you.

1 CHAIRWOMAN HART STEBBINS: Thank you,
2 Commissioner.

3 We're now on Item 5, Certificates and
4 Awards. So I have a certificate in recognition of
5 one of our great institutions here in New Mexico,
6 the Southwest Chief. And I know we have a couple of
7 organizations here in New Mexico that really serve
8 to preserve the history and legacy of rail service
9 in New Mexico in this region.

10 I'd like to invite JW Madison and Ford
11 Robbins to the podium, and I'd like to read the
12 certificate of recognition.

13 "Recognizing that the Southwest Chief,
14 originally known as the Super Chief and commonly
15 referred to as "The Train of the Stars," commenced
16 service on May 12, 1936, setting the standard for
17 luxury rail travel in the United States;

18 "Recognizing the iconic 'Warbonnet' paint
19 scheme and that the first sleeping cars were named
20 to commemorate Native American tribes, pueblos and
21 New Mexico cities found along the railroad's route;

22 "Recognizing the legendary Harvey Houses,
23 the first interstate network of restaurants, the
24 dining cars staffed by Fred Harvey personnel, the
25 Pleasure Dome lounge cars and the Fred Harvey

1 hotels, including La Fonda and La Posada and the
2 Southwestern flair that their china, silverware and
3 interiors exhibited;

4 "Recognizing the long history of railroads
5 in the Southwest, the important part that they
6 played in the growth of downtown Albuquerque and
7 that thousands of visitors still arrive in
8 Albuquerque by train because of its mystique,
9 nostalgia and history;

10 "Recognizing that during its nearly
11 77-year history, the Southwest Chief has introduced
12 hundreds of thousands of visitors to New Mexico's
13 beautiful landscapes and continues to play a role in
14 our vital tourism industry;

15 "The Bernalillo County Board of
16 Commissioners does hereby acknowledge that Amtrak's
17 Southwest Chief's impact extends far beyond the role
18 of a passenger carrier and that rail service can
19 increase the economic development and tourism and,
20 therefore, supports the efforts of Rails Inc. to
21 keep the operations of Amtrak's Southwest Chief and
22 the other passenger trains a viable form of
23 transportation in New Mexico."

24 So with that, I would like to ask
25 Mr. Madison and Mr. Robbins if either of you have

1 something you'd like to add.

2 MR. ROBBINS: Madam Chair, members of the
3 Commission, I'm Ford Robbins. I'm from Santa Fe,
4 but I'm representing the New Mexico group of the
5 three-state coalition called the Amtrak Southwest
6 Chief Coalition. It's been organized to try to keep
7 this train on its present track through Northern New
8 Mexico.

9 I won't get into any of the details. I
10 just wish to thank you very much for this expression
11 of support. It will help us as we continue down
12 this track. And I do thank JW Madison for bringing
13 it to your attention.

14 MR. MADISON: Madam Chair, Commissioners, what
15 he said, plus the reason -- you know, one of the
16 excellent reasons to save the Southwest Chief is
17 that it's a passenger train. And all modern trains
18 are long lasting and they're economical, very
19 economical in fuel, energy, use of land, materials
20 and just about every good measure of transportation.
21 And thank you very much for this show of support.

22 CHAIRWOMAN HART STEBBINS: Well, I want to
23 thank you for bringing this to our attention. Thank
24 you for being here tonight. And I'd like to invite
25 you up to accept this certificate of recognition.

1 All right. We are now on to public
2 comment. And just to remind or to inform people who
3 might be new or remind people who have participated
4 in this before, your time will be limited to two
5 minutes. A bell will ring when 90 seconds has
6 elapsed, and then you will have 30 seconds to
7 continue your comments, to finalize your comments.

8 I understand we have some individuals here
9 who will need a translator. And in that case, you
10 will be given extra time because we understand
11 that's going to cut into your time.

12 So with that, we're going to start with
13 Don Shrader, followed by Rachel LaZara, followed by
14 Sergio Soto.

15 MR. SHRADER: I lived well all of 2012 on
16 \$4,641, \$4,641 for my total expenses, for rent,
17 food, et cetera. I enjoy living simply and healthy
18 on less than half the US poverty level and less than
19 half the federal income tax level for me, as a
20 single person.

21 I'm glad I own no car, no refrigerator, no
22 TV, no cooking stove, no gun, no big house, no
23 washer/dryer, no computer. I'm glad I own no cell
24 phone, no air conditioner, no credit or debit cards,
25 no charge account, no business suit, no jet travel.

1 I would not keep these things if you gave them to me
2 free.

3 I'm glad I consume no cigarettes, no
4 booze, no junk food, no prescription drugs, no
5 illegal drugs, no meat, no dairy, no cooked food.
6 Freedom for me is not having and not wanting these
7 things.

8 I buy nothing at McDonald's, Walmart or
9 large shopping malls. I shop at thrift stores, yard
10 sales and the flea market. I write down every penny
11 I spend every day and add it up, a wonderful
12 discipline. Most of the money most USAans spend is
13 for crap no one needs. I have no right to more than
14 I need, while others in this world have less than
15 they need.

16 CHAIRWOMAN HART STEBBINS: Next we have Rachel
17 LaZara, followed by Sergio Soto, followed by Gabriel
18 Hernandez.

19 MS. LAZARA: Good evening everyone, Chairwoman
20 Hart Stebbins and members of the committee. My name
21 is Rachel LaZara. I'm the Executive Director of El
22 Centro Igualdad y Derechos here in Albuquerque. We
23 have over 2,000 members in this area, most of whom
24 are low-wage workers.

25 We would like to laud the Commission and

1 Commissioner De La Cruz for having the insight to
2 introduce a minimum wage ordinance which not only
3 allows hard-working members of our community to pay
4 their bills, to buy their children food and
5 medication and gasoline, but it's also, we believe,
6 conducive to investing in our local economy, as well
7 as in local businesses.

8 In addition, we look forward to working
9 with the Commission in the future to ensure that our
10 ordinance includes all workers, including tipped
11 workers.

12 We recognize that what is being introduced
13 actually strengthens situations for tipped workers
14 because it does ensure that they have a raise in
15 their minimum base salary. But we think we can
16 continue to work on this and strengthen it even
17 more. We look forward to dialogue in the community.

18 This is one of the most studied parts of
19 our community, of the economy. We are not talking
20 about an experiment here. We have data from all
21 over the country which indicates the benefits of
22 this not only for workers and families, but for
23 small businesses and to grow our economy.

24 So we're very excited to be working with
25 you and would like to thank you. I will be back as

1 an interpreter for some of our members who will
2 speak from personal experience as to why this is
3 important for our community. Thank you.

4 CHAIRWOMAN HART STEBBINS: Next we have Sergio
5 Soto, followed by Gabriel Hernandez.

6 MR. SOTO (through the Spanish interpreter):
7 Good evening Madam Chair and members of the
8 Commission. My name is Sergio Soto, and I am part
9 of El Centro Igualdad y Derechos. We represent over
10 2,000 members in this area, most of whom who are
11 workers.

12 I would like to thank you all for taking
13 the step to introduce this proposal to increase the
14 minimum in Bernalillo. This would have many
15 benefits or multiple benefits in our community. And
16 in my personal case, it would help me to pay my
17 bills, and it would be beneficial to our community.

18 So again, this would be beneficial to the
19 community and would also support or grow our
20 economy. I think that hard work deserves fair pay.
21 Thank you.

22 CHAIRWOMAN HART STEBBINS: Thank you.

23 Next we have Gabriel Hernandez, followed
24 by Brenda Rodriguez, followed by DJ Jaramillo.

25 MR. HERNANDEZ (through the Spanish interpreter):

1 Good evening, Madam Chair, and members of the
2 Commission.

3 My name is Gabriel, and I also represent
4 El Centro de Igualdad y Derechos. Again, we
5 represent over 2,000 workers in this area.

6 I would like to thank you all for bringing
7 this issue forward because in my personal case, it's
8 something that would benefit my family, as well as
9 my community. In my personal case, it would help me
10 to pay my bills. It would help me to support my
11 family as well.

12 I'm not only supporting this because it's
13 beneficial to me and my family. I think it's
14 beneficial as well to our community. I love the
15 State of New Mexico, and I want to help grow its
16 economy.

17 And again, I'd like to thank you for this
18 proposal, and we hope that it comes to fruition.
19 I'd like to say the same thing as my colleague did,
20 that hard work deserves fair pay. Thank you.

21 CHAIRWOMAN HART STEBBINS: Next we have Brenda
22 Rodriguez, followed by DJ Jaramillo, followed by
23 David Diaz.

24 MS. RODRIGUEZ: Good evening, County
25 Commissioners. My name is Brenda Rodriguez, and I'm

1 a member of WorkingAmerica.

2 First I'd like to thank Commissioner
3 De La Cruz for proposing a bill in Bernalillo County
4 to increase the minimum wage. Earning an extra \$40
5 a week can make all the difference when deciding
6 between buying groceries or diabetic medication.

7 I'd also like to express my support to
8 increase the minimum wage of tipped employees.
9 Tipped workers currently make 2.13 an hour, and it
10 has been 21 years since they've received a raise.

11 Today, according to the EPI report, tipped
12 workers are more than twice as likely, with waiters
13 and waitresses almost three times as likely, to fall
14 under the federal poverty line. This means very
15 likely that when you go to a restaurant, your waiter
16 or your waitress is living under the federal poverty
17 line.

18 We are very grateful for the Board of
19 County Commissioners that is taking action for
20 minimum wage workers in Bernalillo County today, and
21 we feel that the proposed bill is a step in the
22 right direction. Thank you for your time.

23 CHAIRWOMAN HART STEBBINS: Thank you.

24 Next we have DJ Jaramillo, followed by
25 David Diaz, followed by Mary Lee Ortega.

1 MS. JARAMILLO: Board of County Commissioners,
2 my name is DJ. I'm a field manager for
3 WorkingAmerica. I had the great privilege to talk
4 to thousands of folks at their doors about minimum
5 wage. I'm very proud of our successful minimum wage
6 race in Albuquerque, but it can't stop there.

7 Tens of thousands of New Mexicans earning
8 minimum wage struggle to make ends meet. Women make
9 up 60 percent of minimum wage workers. A lot of
10 these women are single moms, doing their best to
11 feed and clothe their children.

12 Even though a dollar more an hour will not
13 make them rich, it will help, and they deserve all
14 the help that they can get.

15 We also can't forget about tipped workers
16 in New Mexico, who make 2.13 per hour. Again,
17 nationwide, women are nearly two-thirds of workers
18 in tipped occupations and about 70 percent of
19 restaurant servers.

20 To me, these are just not numbers. I've
21 been there and done that. While some people believe
22 that tipped employees average \$20 an hour, that I
23 can say from experience is not so. I would average
24 \$50 a night in a job that does not offer benefits
25 like paid days off or healthcare.

1 Raising the minimum wage and the tipped
2 minimum wage would strengthen the New Mexico economy
3 and help close the gender wage gap. I urge you to
4 pass this bill. Thank you for your time.

5 CHAIRWOMAN HART STEBBINS: Next we have David
6 Diaz, followed by Mary Lee Ortega, followed by
7 Josephine Nunez.

8 MR. DIAZ: Good evening, Madam Chair and
9 Counselors. My name is David Diaz, and I am a
10 community organizer with WorkingAmerica.

11 I'm here to urge you to pass the minimum
12 wage increase in Bernalillo County to 8.50 an hour
13 and to include a tipped wage increase as well.

14 A minimum wage increase has the ability to
15 positively impact your community in many ways. For
16 starters, it's good for business. Even a modest
17 increase of a dollar an hour has the potential to
18 increase economic activity in Bernalillo County by
19 up to \$67 million. It could lead to the creation of
20 hundreds of jobs.

21 The tipped wage increase has even more
22 potential for economic growth, in addition to
23 helping many families make ends meet. In the last
24 year I've talked to over 15,000 members of our
25 community and surrounding areas of Albuquerque, and

1 I've gotten to hear their stories. For a lot of
2 folks working in the restaurant industry, tips just
3 aren't enough.

4 Lorena, a single mother of three, who
5 waits tables in the South Valley, is one of the
6 folks that I have personally gotten to speak to who
7 would greatly benefit this increase. After she tips
8 the hosts, the food runners and the busboys, she
9 takes home an average of less than \$50 a night.

10 A raise from 2.13 an hour to just 5.10 an
11 hour can literally make a difference between her
12 having to choose between having to pay her bills and
13 feed her children. There are thousands of other
14 workers in Bernalillo County just like Lorena who
15 could really use a hand in times as tough as these.

16 So I'd like to thank you guys for
17 introducing this. I think it's something that's
18 going to really help our community. And I'd like to
19 urge you to pass it for the benefit of our workers,
20 the benefit of our economy, and the benefit of
21 Bernalillo County. Thank you.

22 CHAIRWOMAN HART STEBBINS: Thank you.

23 Next we have Mary Lee Ortega, followed by
24 Josephine Nunez.

25 MS. ORTEGA: My name is Mary Lee Ortega. I'm

1 here. I'm a community organizer for the Land of
2 Enchantment. But more importantly, I am a resident
3 in the South Valley. Okay.

4 I want to thank you all for raising the
5 minimum wage and adjusting it to the inflation, to
6 8.50 an hour. But I also want to express some
7 concerns for the tipped wage workers. 2.13 is just
8 a ridiculous rate. They haven't had a raise since
9 1991. And again, it is a misnomer that they make a
10 bunch of money. Well, not in the South Valley they
11 don't, because we don't have those kind of
12 restaurants, flat out.

13 So I would like for you guys to consider
14 that. Otherwise, there's going to be a wage war
15 probably next year in that, and I just want to say
16 that.

17 And also, as you mail out your cards for
18 reelection, keep that in mind, because I always get
19 yours, Mr. Del La Cruz. Okay?

20 Other than that, again, thank you so much
21 for helping the people out, especially in my
22 community in the South Valley. I would love to see
23 my valle grow, because I also know during tax time
24 you guys are there first.

25 And so this is very important to us and

1 important to them. Because for any money that they
2 get, shoes, clothes, food, school supplies that the
3 teachers don't have to buy, this is a very big
4 thing. And thank you to all the parents, including
5 myself.

6 CHAIRWOMAN HART STEBBINS: And last we have
7 Josephine Nunez.

8 MS. NUNEZ: Good afternoon. I worked 20 years
9 with the US Department of Labor, Wage and Hour
10 Division, as a federal investigator. I would
11 investigate businesses for compliance. For the last
12 four years I have been a consultant, helping
13 businesses comply.

14 For the first time since 1988, I have
15 never seen the minimum wage at the federal, state,
16 city and county such an issue. I am concerned as a
17 citizen because I've seen what the City of
18 Albuquerque is doing in enforcement of their minimum
19 wage ordinance. Lawyering up and suing employers to
20 comply is a tragedy in this community.

21 Looking at the article put out yesterday,
22 mimicking those provisions of ordinance would also
23 be a tragedy to our business community. Seven
24 thousand employees applied for 250 jobs at Target.
25 That is the state of the economy in Albuquerque.

1 Why would you want to sue employers?
2 They're trying to build our economy here. I caution
3 you in this ordinance, if you do not have an
4 enforcement mechanism outside of lawsuits, you're
5 going destroy business, you're going to destroy
6 jobs. We need to grow our economy. We do not need
7 to destroy it.

8 Please do not mimic the City of
9 Albuquerque's enforcement policy. Bring in a third
10 party representative to help you understand
11 compliance. Education is the key to life, education
12 is the key to this ordinance. Thank you for your
13 time.

14 CHAIRWOMAN HART STEBBINS: Thank you.

15 All right. We are now on approval of the
16 February 26th, 2013, administrative meeting. I move
17 approval.

18 COMMISSIONER TALBERT: Second.

19 CHAIRWOMAN HART STEBBINS: We have a motion and
20 a second from Commissioner Talbert. All in favor
21 say aye.

22 ALL MEMBERS: Aye.

23 CHAIRWOMAN HART STEBBINS: Opposed?

24 That motion passes unanimously.

25 (5-0 vote. Motion approved.)

1 CHAIRWOMAN HART STEBBINS: We are now on
2 approval of the Consent Agenda. And Mr. Clerk, may
3 I have an administrative resolution number for Item
4 8C?

5 THE DEPUTY CLERK: AR 2013-17.

6 CHAIRWOMAN HART STEBBINS: I move approval of
7 the Consent Agenda.

8 COMMISSIONER O'MALLEY: Second.

9 CHAIRWOMAN HART STEBBINS: We have a second
10 from Commissioner O'Malley. All in favor say aye.

11 ALL MEMBERS: Aye.

12 CHAIRWOMAN HART STEBBINS: Opposed?

13 That motion passes unanimously.

14 (5-0 vote. Motion approved.)

15 CHAIRWOMAN HART STEBBINS: We are now on
16 Item 9A, to repeal and replace the Bernalillo County
17 Minimum Wage Ordinance. This is a motion to
18 introduce for publication. Commissioner De La Cruz.

19 COMMISSIONER DE LA CRUZ: Thank you, Madam
20 Chair. I'm pleased to introduce this change to the
21 minimum wage ordinance.

22 Let me first start by prefacing that in my
23 four years and two months on the Commission, I have
24 been extremely proactive in terms of trying to bring
25 opportunities to Bernalillo County and especially to

1 the South Valley and to District 2 that I serve.

2 One of the commitments that I had coming
3 in and asking people to support me for County
4 Commissioner was that I would try to do that, that I
5 would be proactive in bringing opportunities on a
6 variety of levels, particularly employment in my
7 district. Because at the end of the day, that's who
8 elects me to office.

9 And in that time, one of the first acts
10 that I had while on the Commission was to ask that
11 we create a real economic development team. At the
12 time that I came into office in 2009, the economic
13 development operation, section, whatever you want to
14 call it at Bernalillo County, consisted of a
15 Director of Economic Development and a part-time
16 administrative staff person. And that -- oh, and by
17 the way, they had no budget at all to work with.

18 That didn't seem to me to be a
19 particularly real effort to bring employment
20 opportunities to Bernalillo County. So we
21 introduced, and I am very appreciative that the
22 County Commission supported, the request for more
23 positions and a budget for the economic development
24 section.

25 Today we have a very active group that has

1 done a wonderful job, and I want to congratulate
2 them for the work that they've done. We have
3 US Foods now in District 2. We have Admiral
4 Beverage under construction. We have Las Estancias
5 under construction, not to mention, Madam Chair, the
6 effort that you did related to Lowe's, the Lowe's
7 Call Center, which created hundreds of jobs.

8 And the Commission has been proactive also
9 in making sure that we support a business. We gave
10 a million dollars in a leader grant to
11 Las Estancias. We deferred taxes for a variety of
12 businesses, not to mention what we did for Admiral
13 Beverage and US Foods, reducing or eliminating their
14 impact fees. So this Commission has been very, very
15 proactive when it came to working with business, and
16 I'm proud of that record.

17 But at the same time, there comes a time
18 that we have to do a little bit of economic
19 development, not from the top down, but from the
20 bottom up. And this effort today, this introduction
21 today, I believe will do just that.

22 Not only will it help working men and
23 women do better in terms of their earning potential,
24 but they will do better in having a little bit
25 stronger position when it comes to your living

1 standards.

2 And so I'm proud to introduce this measure
3 today which will, in essence, increase the minimum
4 rate from 7.50 or 8.50. At this time I would like
5 to ask our Economic Development Director, Mayling
6 Armijo, to come to the podium.

7 It has some provisions that I think will
8 help not only immediately, if this is enacted, when
9 it's enacted, but will also make provisions for the
10 continuation of that support of our working men and
11 women of our community, at least in the
12 unincorporated area.

13 And so I would like to have Ms. Armijo
14 basically go through the details of it. I have made
15 some changes from the original submission that I
16 made. And we will need to go over that as well,
17 because there were some key changes. Ms. Armijo.

18 MS. ARMIJO: Madam Chair, members of the
19 Commission, just to give you a highlight of the
20 recommended changes, the minimum wage shall be
21 enacted by two incremental increases of 50 cents,
22 effective July 1st, 2013, and then a second
23 increment of 50 cents, effective January 1st in
24 2014. Effective January 1st, 2014, the minimum wage
25 shall be \$8.50.

1 There has been a proposed -- or there has
2 been a requested change for an annual cost-of-living
3 adjustment. The minimum wage may be increased on
4 January 1st, 2015, and on January 1st of successive
5 years by the Bernalillo County Commission, based on
6 the increase, if any, in the cost of living, rounded
7 to the nearest multiple of 5 cents.

8 The increase in the cost of living shall
9 be calculated based on the percentage increase, if
10 any, of the Consumer Price Index.

11 And an additional change that was just
12 recently made was the Board of County Commissioners
13 will review the Minimum Wage Order every five years
14 in order to assess its continuing adequacy.

15 So those are the main changes to the
16 existing minimum wage order, Madam Chair and
17 Commissioner De La Cruz.

18 I'll stand for any questions.

19 COMMISSIONER DE LA CRUZ: Thank you,
20 Ms. Armijo.

21 If you look at the studies of other
22 communities, including Santa Fe, I think it's all
23 positive. I think the data establishes that, and I
24 think we'll will just have a stronger economy.

25 And I think the dollars that will be

1 earned by our working men and women will immediately
2 recycle back into the economy, which will make for
3 an overall stronger economy.

4 Thank you, Madam Chair.

5 CHAIRWOMAN HART STEBBINS: Thank you.

6 Commissioners, any questions, comments?

7 Commissioner, do you have an amendment to
8 the published version? I mean on the Internet we
9 have published your original, and I was wondering if
10 there was an amendment.

11 COMMISSIONER DE LA CRUZ: Let me read that into
12 the record. Of course, I believe all the
13 Commissioners have a copy of that. On Section 3D is
14 where I made the key change to the annual
15 cost-of-living adjustment. I will just read it in
16 its entirety.

17 "The minimum wage may be increased on
18 January 1st, 2015, and on January 1st of successive
19 years by the Bernalillo County Commission based on
20 the increase, if any, in the cost of living and
21 rounded to the nearest multiple 5 cents. The
22 increase in the cost of living shall be calculated
23 based on the percentage increase, if any, of the
24 Consumer Price Index or its successor index as
25 published by the US Department of Labor or its

1 successor agency. The County shall publish the
2 adjusted minimum wage for the forthcoming year on
3 the Internet home page by October 15th of each
4 proceeding year, and they shall become effective on
5 January 1st of the forthcoming year."

6 In addition, on Item 3, Section 3E, there
7 is a change to read. "The Board of County
8 Commissioners shall review the minimum wage
9 ordinance every five years in order to assess its
10 continuing adequacy."

11 Thank you, Madam Chair.

12 CHAIRWOMAN HART STEBBINS: Commissioner, may I
13 ask you a question?

14 It's my understanding that this amendment
15 was going to read that the minimum wage shall be
16 increased on January 1st. The word, I think -- was
17 that your understanding, that it would be the
18 minimum wage shall be increased on January 1st,
19 2015, as opposed to may?

20 COMMISSIONER DE LA CRUZ: I think it can be
21 may, will, shall.

22 CHAIRWOMAN HART STEBBINS: Mr. Autio.

23 MR. AUTIO: Madam Chair, Commissioners, the
24 reason in that section that it is "may" is because
25 there could be a time when the Consumer Price Index

1 did not rise. So if there was -- either it was flat
2 or fell in 2015, then there would not be an
3 increase.

4 The increases that occur in July of this
5 year and on January 1st of '14 are the ones that are
6 spelled out. And in the future, it will all be
7 based upon whether or not the cost of living index
8 is rising.

9 CHAIRWOMAN HART STEBBINS: So this amendment,
10 as Commissioner De La Cruz just read it, that would
11 not be -- that would be an automatic increase, not
12 something that would be subject to the Commission's
13 approval every year?

14 MR. AUTIO: It would be an automatic increase
15 if there is a cost of living index increase.

16 CHAIRWOMAN HART STEBBINS: Okay, all right.
17 Thank you.

18 Commissioner Talbert.

19 COMMISSIONER TALBERT: Thank you, Madam Chair.

20 So Mr. Autio just mentioned that it was
21 automatic, in terms of the increases. So this would
22 not come before the Commission anymore going forward
23 on a five-year block? Each year it would just
24 automatically go up?

25 MR. AUTIO: Madam Chair, Commissioner Talbert,

1 it would annually -- if there is an increase in the
2 cost of living index, there would automatically be
3 that percentage increase, whatever that percentage
4 of increase is.

5 After five years, there would be a review
6 by the Commission to determine if what has occurred
7 within the last five years is appropriate. That's
8 what the amendment does.

9 COMMISSIONER TALBERT: Thank you.

10 I just have a hard time with automatic. I
11 would not like my prices to automatically be raised
12 anywhere at any time without somebody talking about
13 it first in any given year. So the term "automatic"
14 concerns me from the standpoint of nothing in life
15 is automatic, except I automatically know at some
16 point I'm going to die. But I don't want things
17 automatically being raised without there being a
18 discussion.

19 MR. AUTIO: I think we may have a
20 misconception. I think I misspoke on the automatic
21 part. The language itself that was read states,
22 "Annual cost of living adjustment to the minimum
23 wage may be increased on January 1st, 2015, and on
24 January 1st of successive years by the Bernalillo
25 County Commission, based on the increase, if any."

1 So if that's where the "may" comes in. It
2 would come to the Commission for review of the cost
3 of living increase. So I did misspeak, so I
4 apologize.

5 CHAIRWOMAN HART STEBBINS: All right.
6 Commissioners, any other questions, comments?

7 All right. Seeing none --

8 COMMISSIONER JOHNSON: Madam Chair.

9 CHAIRWOMAN HART STEBBINS: Commissioner
10 Johnson.

11 COMMISSIONER JOHNSON: Thank you. I would like
12 to move deferral of this item, and here's my
13 reasoning behind it.

14 First of all, it's no secret that I don't
15 support this as a concept. I see the County Manager
16 shaking his head over there because I've been
17 bending his ear a little bit about this.

18 But I do know that the state legislature
19 is looking at an action that would cover many of
20 these points. I think it's probably unwise to have
21 a bunch of different provisions, a bunch of
22 different zones, and we think that's a bad idea in
23 the first place.

24 The City of Albuquerque has got theirs,
25 Bernalillo County will have ours. Sandoval County

1 doesn't have one. Maybe they're going to, maybe
2 they won't. Santa Fe has got their own deal. I
3 think it's better, if you're going to do something
4 like this, that you don't do it piecemeal.

5 It would be nice to know where the state
6 is going and whether or not it would be better to
7 add to this, change it, reduce it within state law
8 and make it align with state law.

9 If they decide to immediately make this
10 8.50, then our set of provisions is worthless. We
11 won't know that -- we should know that in about 30
12 days, where they're going to be on this.

13 So I would move deferral for 30 days on
14 this item.

15 CHAIRWOMAN HART STEBBINS: We have a motion.
16 Do we have a second?

17 COMMISSIONER TALBERT: Second.

18 CHAIRWOMAN HART STEBBINS: We have a motion and
19 we have a second.

20 Commissioner De La Cruz.

21 COMMISSIONER DE LA CRUZ: Thank you, Madam
22 Chair.

23 I would not encourage a deferral. I
24 believe that an increase to our community and
25 working folks has been long overdue. Again, there

1 is no certainty of what will happen with the state.
2 It may get passed. If it does, then we can proceed
3 with our ordinance. And if it doesn't, we continue
4 to move forward.

5 So I would not encourage that, Madam
6 Chair. Thank you.

7 CHAIRWOMAN HART STEBBINS: Commissioner
8 Talbert.

9 COMMISSIONER TALBERT: Thank you, Madam Chair.

10 When this originally came out from
11 Commissioner De La Cruz, before adding the language
12 in for CPI, it was actually increasing the minimum
13 wage without quote, unquote, automatic, may, shall,
14 will, kind of increases. And that actually, you
15 know, gives us time to talk about things.

16 But with that kind of language, it puts
17 us, I believe, as a Commission and as a County, in a
18 bad position in terms of having to do something,
19 versus wanting to do something and wanting it to do
20 it for the right reasons.

21 Thus, agreeing to look at the state for 30
22 days, I think, would give us a little more time and
23 could allow us to look at this component as well.

24 Because I think not having an automatic
25 type of increase, when a lot of workers out there,

1 they are not guaranteed anything other than a good
2 opportunity for a job if they get one. And sure
3 enough, they get automatic increases, when the
4 majority of the population, automatic, that kind of
5 cycle, I think, is irresponsible.

6 CHAIRWOMAN HART STEBBINS: Commissioner
7 O'Malley.

8 COMMISSIONER O'MALLEY: Thank you, Madam Chair.

9 I think that we have been looking at this,
10 and we're certainly trying to hone it and make it so
11 that it really does work. And there's some
12 technical issues, I think, that we are trying to
13 address today.

14 The idea is to get it introduced, to get
15 it published. And this is not approval today, but I
16 think we need to move forward with it. The sooner
17 that we adopt a fair wage increase, the sooner it's
18 going to benefit those who need it the most.

19 And so I think that as soon as we publish
20 that, if there's some changes and we feel like
21 somehow we need to make some technical changes to
22 it, there is that opportunity to do so.

23 CHAIRWOMAN HART STEBBINS: All right. We have
24 a motion to defer. We have a motion and a second.
25 All in favor say aye.

1 TWO MEMBERS: Aye.

2 CHAIRWOMAN HART STEBBINS: Opposed?

3 THREE MEMBERS: No.

4 CHAIRWOMAN HART STEBBINS: That motion fails on
5 a two-to-three vote, with Commissioners Hart
6 Stebbins, O'Malley and De La Cruz voting in the
7 negative.

8 (3-2 vote. Motion fails, with
9 Commissioners Hart Stebbins, O'Malley
10 and De La Cruz voting no.)

11 CHAIRWOMAN HART STEBBINS: We are now back on
12 the ordinance for publication.

13 Mr. Autio, does Commissioner De La Cruz
14 need to make a motion to do this amendment?

15 MR. AUTIO: The preferred way, although this is
16 not for final approval, what was published should be
17 amended. What was published in the agenda should be
18 amended by motion. So that should be the first vote
19 as to whether there's support for that amendment.

20 CHAIRWOMAN HART STEBBINS: Commissioner
21 De La Cruz, would you like to make that motion to
22 amend?

23 COMMISSIONER DE LA CRUZ: Thank you, Madam
24 Chair. Yes, I will.

25 CHAIRWOMAN HART STEBBINS: I will second that.

1 I would also like to -- before I vote on
2 that, I would like to move that we strike on page 2,
3 line 26, strike the word "may" and replace it with
4 "shall."

5 COMMISSIONER JOHNSON: Madam Chair, point of
6 order.

7 CHAIRWOMAN HART STEBBINS: Commissioner
8 Johnson.

9 COMMISSIONER JOHNSON: We have a motion and a
10 second on the floor. We need to resolve that issue
11 prior to making any further amendments.

12 CHAIRWOMAN HART STEBBINS: Mr. Autio, can you
13 clarify that? I was assuming that we had to have
14 the amendment settled with any amendments before we
15 vote on the amendment as a whole.

16 MR. AUTIO: Madam Chair, Commissioners, when
17 there is a motion and a second, then the only way to
18 change it would be if a friendly amendment is
19 offered and the movant and the person making the
20 second accept that change.

21 CHAIRWOMAN HART STEBBINS: Okay. I believe the
22 motion was made by Commissioner De La Cruz, the
23 second by Commissioner O'Malley.

24 Do you accept this as a friendly
25 amendment?

1 COMMISSIONER DE LA CRUZ: I do, Madam Chair.

2 CHAIRWOMAN HART STEBBINS: All right.

3 Now, do we need to vote on whether we make
4 that change?

5 MR. AUTIO: You made the second that the word
6 "shall" shall be replaced the word "may." And then
7 you can vote on the amendment as read by
8 Commissioner De La Cruz.

9 CHAIRWOMAN HART STEBBINS: Okay, I'm sorry. Do
10 we need to vote on the one change?

11 MR. AUTIO: Not the change to the word. You
12 only need to vote once on it, as you changed it with
13 adding the word "shall."

14 CHAIRWOMAN HART STEBBINS: All right. We are
15 back on approval of the amendment as Commissioner
16 De La Cruz read it, with the one word change. We
17 have a motion and a second.

18 All in favor say aye.

19 THREE MEMBERS: Aye.

20 CHAIRWOMAN HART STEBBINS: Opposed?

21 TWO MEMBERS: No.

22 CHAIRWOMAN HART STEBBINS: That motion passes
23 on a three-to-two vote, with Commissioners Talbert
24 and Johnson voting in the negative.

25 (3-2 vote. Motion passes, with

1 Commissioners Talbert and Johnson
2 voting no.)

3 CHAIRWOMAN HART STEBBINS: We are now on
4 introduction of this ordinance as amended. We have
5 a motion and a second. Any further discussion?

6 COMMISSIONER JOHNSON: Yes, Madam Chair.

7 CHAIRWOMAN HART STEBBINS: Commissioner
8 Johnson.

9 COMMISSIONER JOHNSON: Thank you, Madam Chair.

10 I alluded to this earlier, but obviously,
11 I don't support this from a philosophical
12 standpoint. But one of the groups that hasn't been
13 even mentioned today are the business owners
14 themselves. Who are those business owners?

15 The people that come here for us -- and I
16 understand your plight. A lot of them are
17 entry-level low wage earners. The idea in our
18 society is for you not to remain an entry-level low
19 wage worker.

20 Part of what we try and do is provide
21 opportunities for you to move up from that
22 particular wage. It's not supposed to be a life
23 wage. It's supposed to be a beginning of life wage.
24 You need to move forward beyond these entry-level
25 positions.

1 Now we're going to tell people that this
2 Commission -- we're going to tell business owners,
3 some of which are laying awake in the middle of the
4 night at 3:00 a.m. -- I've been one -- trying to
5 figure out how the heck to make payroll.

6 We can't go to our customers and say,
7 "You're going pay us enough to make payroll every
8 week." They can choose not to come into your door.
9 They can choose not to buy your service. And they
10 will if you raise your prices too high.

11 If we're going to start setting wages,
12 then perhaps we should start dictating buying
13 habits. If you own a restaurant and you've got to
14 cover another \$40 a week per employee, well, maybe
15 everybody should have to go eat at that restaurant
16 and spend at least \$10 a week at that restaurant to
17 make it happen.

18 The fact of the matter is we're trying to
19 dictate cost from this podium, and that's
20 fundamentally wrong. What you end up with is fewer
21 opportunities, fewer beginnings, and fewer
22 availability of those beginnings because you have
23 fewer businesses.

24 I cannot support this on moral grounds, I
25 cannot support this as a small business owner. It's

1 one of the most foolish things that I've seen come
2 before this Commission.

3 And I understand Commissioner De La Cruz's
4 desire to help people, and I applaud him for that.
5 But sometimes the way we help people isn't to do the
6 obvious thing. In this case, it's somewhat obvious
7 to say, "All right, we're going to give everybody a
8 raise."

9 But if you don't pay attention to where
10 the money comes from, you end up not only costing
11 them that dollar an hour, you cost them their job
12 entirely.

13 So I cannot support this in any form, for
14 publication or otherwise. And I'm sorry that we did
15 not defer this, and I think that's pretty much all I
16 have to say. Thank you.

17 CHAIRWOMAN HART STEBBINS: Commissioner
18 O'Malley.

19 COMMISSIONER O'MALLEY: Thank you, Madam Chair.

20 Just out of curiosity, I went back a
21 little while, and I remember all the controversy
22 around the nonsmoking ordinance the City passed.
23 And so I went back and saw some articles.

24 And of course what was predicted was that
25 the restaurant industry would go out of business.

1 That would be the end of the restaurant industry.
2 They were all going go somewhere else, where people
3 could smoke.

4 And it turns out we had data to say, "No,
5 that's not going to happen." And actually, it will
6 improve the economy in terms of the restaurant
7 industry.

8 But all these statements were made, the
9 doom and gloom statements in there. I imagine the
10 similar argument about, I don't know, changing child
11 labor laws was made as to how, if we get rid of
12 child labor, it will hurt the economy and it will
13 hurt businesses.

14 We've heard these over and over again when
15 we make changes like this. And it's always doom and
16 gloom, and that's the end.

17 This isn't a livable wage that we're
18 proposing. It's an increase in the minimum wage. A
19 livable wage would be higher, much higher, if you
20 want to know the truth.

21 What we're saying is it's time that we
22 raised it by \$40 a week. To some of us, that
23 doesn't mean a whole lot that are sitting here.
24 That's the truth. But to a lot of people, it means
25 a great deal.

1 I remember I was making the argument when
2 I was in the City Council about not increasing the
3 zoo fee. I think we increased it anywhere from 2 to
4 \$4. I said, "Well, that means that for a family
5 four to six, that means maybe they don't get
6 something to eat at the zoo or maybe they don't stop
7 at McDonald's on their way when they go to the zoo,
8 and maybe it doesn't mean they go to the zoo at
9 all."

10 These are folks that we don't see a lot of
11 times come up to the podium. They're busy working
12 two jobs. That's why they don't have the time to
13 come and talk about their concerns.

14 So we need to advocate for these people.
15 We need to advocate for those families so that they
16 can make enough money to make ends meet. And we're
17 talking about making ends meet, we're not talking
18 about a lush lifestyle.

19 So I think this is a step in the right
20 direction. I applaud Commissioner De La Cruz for
21 taking the lead on this. It's not easy, especially
22 when you have, again, like I said, a pushback from
23 some of the industries. So it's not easy.

24 I do want to make a statement, too. And I
25 know I've already talked with the sponsor of the

1 bill, Commissioner De La Cruz, about my concerns
2 about the tipped wages. I'm still a little
3 concerned about that.

4 And I'll be honest with you. I'm still
5 not clear on some of the differences that are being
6 proposed in this ordinance, but we have the
7 opportunity to have that discussion. Thank you.

8 CHAIRWOMAN HART STEBBINS: Commissioner
9 Talbert.

10 COMMISSIONER TALBERT: Thank you, Madam Chair.

11 Business owner, District 4, Commissioner
12 Talbert proposed that a minimum wage increase for
13 Bernalillo County would increase payroll costs of
14 the businesses in Albuquerque by approximately
15 \$55,350 annually. This is a 9 percent increase in
16 payroll costs. Payroll taxes will also increase by
17 approximately 5,300, making the total increase over
18 \$60,600.

19 That's real money. That's real money to a
20 business who employs 150 people. When the
21 Albuquerque minimum wage went up, Octopus Car Wash
22 raised their prices immediately overnight from 7.99
23 to 8.99. Now, that's a choice. Not everyone has to
24 use Octopus Car Wash, so it's not something that has
25 to happen.

1 I do commend Commissioner De La Cruz for
2 looking out for our citizens. And I was a minimum
3 wage worker. In 1980, I made 2.25 at the Tastee
4 Freez in St. Mary's County. I remember it. I was
5 cleaning milkshake machines, and I was proud to do
6 it and I was happy to do it. But I also knew that I
7 wanted to do more.

8 I want the County to continue to look to
9 help others do more, to not make this just an
10 increase in the minimum wage, but to make this an
11 opportunity to continue to grow and grow their
12 career and grow those opportunities.

13 I do understand the comparison with
14 smoking, but smoking is a choice. People choose to
15 smoke. You can call it an addiction, and then no
16 longer is it a choice to that person.

17 However, we're dictating to business
18 owners that they now have to pay a minimum wage.
19 That's not a choice, because we saw what happened
20 when they fight that. They then go to court, they
21 then go to law. So we want to make sure and just
22 keep the comparisons the same. Thank you.

23 CHAIRWOMAN HART STEBBINS: Commissioners, any
24 further questions, comments?

25 I would just like to make a point, and

1 this has been raised a couple of times, about being
2 consistent and the need to not have different
3 minimum wages in different jurisdictions.

4 And I think it's a fact that voters
5 approved a minimum wage increase in the City of
6 Albuquerque. And I will say most of -- all of my
7 constituents, all of my businesses are -- all the
8 businesses in my district are in the City.

9 And I think it is important to have
10 consistency between the City and the County. And I
11 think this is an important step, just as
12 Commissioner Johnson has said, to have some
13 consistency.

14 I think, for business owners, it's not
15 easy, if you have a business in the City and one in
16 the County, to have two separate accounting systems.
17 That is a cost of doing business as well.

18 So again, I think this is not exactly what
19 the City has. But I think, in some really important
20 ways, it is close. And I think all of us need to
21 recognize that the business owners in the City are
22 at a competitive disadvantage.

23 And I think that whether you support
24 this -- whether you support it in principle or not,
25 I think, out of fairness and consistency, it makes

1 sense to support the County having something
2 equivalent to the City.

3 So if there are no further questions or
4 comments, we have a motion and a second to approve.
5 Commissioner Johnson.

6 COMMISSIONER JOHNSON: Thank you, Madam Chair.

7 I kind of want to address that concept of
8 competitive disadvantage. I was hoping that we'd
9 end up with more opportunities in the County, quite
10 frankly, when the City did this. If we're going to
11 concede that this is a competitive disadvantage,
12 then we're conceding that it's a hardship on
13 businesses.

14 And as an argument, it doesn't make sense
15 to say we're going to make this anticompetitive,
16 negative, antibusiness approach. We're going to
17 enforce this, but we're going to do it just to even
18 the anticompetitiveness across the boundary. I
19 don't think that makes any sense as an argument.

20 The fact of the matter is this hurts
21 businesses, this hurts wages. It hurts the people
22 that were just standing before us, talking about
23 wanting a higher minimum wage.

24 People should be rewarded for their hard
25 work, but you don't want them to be set in one

1 entry-level wage position. You need to have them
2 move up to contribute more and to have a better
3 lifestyle for them and their families. And that's
4 part of that hard work. Rewarding somebody for
5 staying in an entry-level position is not the best
6 approach.

7 So again, I'm very much against this on
8 every level and would hope that this Commission
9 would reconsider these approaches.

10 CHAIRWOMAN HART STEBBINS: Well, I think your
11 issue of it being a matter of fairness is very well
12 taken. I think, again, it is a matter of fairness
13 to all of our businesses that they play by the same
14 rules. And I think there are plenty of arguments to
15 say that this is not a business killer ordinance.

16 So any other questions or comments?

17 Seeing none, we have a motion and a second
18 to approve for publication the ordinance to repeal
19 and replace the Bernalillo County Minimum Wage
20 Ordinance as amended. All those in favor say aye.

21 THREE MEMBERS: Aye.

22 CHAIRWOMAN HART STEBBINS: Opposed?

23 TWO MEMBERS: No.

24 CHAIRWOMAN HART STEBBINS: That motion passes
25 on a three-to-two vote, with Commissioners Talbert

1 and Johnson voting in the negative.

2 (3-2 vote. Motion passes, with
3 Commissioners Talbert and Johnson
4 voting no.)

5 CHAIRWOMAN HART STEBBINS: We are now on
6 Item 9B, amendment to our Impact Fees Ordinance.

7 MR. HAMM: Good evening, Madam Chair, members
8 of the Commission. My name is Nicholas Hamm. I am
9 with Zoning, Building & Planning, and I act as the
10 impact fee administrator for Bernalillo County.

11 Tonight I offer for your consideration the
12 introduction of the 2012 revision to the Impact Fees
13 Capital Improvement Plan and the subsequent
14 amendments to the ordinance as a result of that.

15 Every five years Bernalillo County is
16 required, by ordinance, to review and update its
17 capital improvement plan. 2012 happened to be that
18 five-year anniversary.

19 The review and update is accomplished by a
20 committee, and that committee consists of members of
21 County staff from each of the respective
22 departments, as well as representatives from the
23 community as appointed by members of the Commission.

24 I would like to just take a moment to
25 recognize the citizens that contribute their time

1 and efforts to helping Bernalillo County review and
2 update its capital improvement plan. Robert
3 Trujillo, Ron Bohannon, Jim Trump, Greg Payne, and
4 Linda Barber. They were all very engaged, involved,
5 and they all made positive contributions to the
6 committee.

7 We did have a diverse background, but I
8 think that fostered a healthy debate and made the
9 resulting product that much better.

10 The Impact Fees Capital Improvement Plan
11 accomplishes two important functions. It
12 establishes the base rate at which Bernalillo County
13 can collect impact fees, and it also identifies
14 projects that are eligible for impact fee
15 expenditures.

16 This review process ensures that we use
17 the most current information available, particularly
18 the cost of assets and services that we provide to
19 our residents, as well as the population projection
20 information that's provided by the Mid-Region
21 Council of Governments.

22 That has been the standard metric of
23 measuring the anticipated population for Bernalillo
24 County since the adoption of the Impact Fees
25 Ordinance. For the most part, this revision, it

1 changed very little as far as fees to be collected.

2 The collection rates for fire and
3 emergency services and roadways were subject to very
4 minor changes. The collection rates, as established
5 for Parks and Recreation, were actually able to be
6 decreased. And we did see a minor increase in the
7 open space fees that would be collected, and we did
8 see an increase in the drainage fees to be
9 collected, and that is consistent with previous
10 revisions.

11 The Drainage Impact Fee tracks a national
12 construction cost index. So what we did is
13 consistent with every revision prior to this one.

14 Our committee made our best efforts to
15 provide the Commission with a comprehensive update
16 to the Impact Fees Capital Improvements Plan. We
17 did our best to take into consideration the delicate
18 nature of the local and the national economy as
19 well.

20 So as the impact fee administrator, I'm
21 happy with the resulting documents. I think it will
22 set the effective program on stable ground for the
23 next five years to come. And with that, I will
24 stand for questions. Thank you.

25 CHAIRWOMAN HART STEBBINS: Thank you. I've got

1 a question.

2 Can you describe these meetings? Like how
3 many times did you meet, and how many hours would
4 you say were invested in this effort?

5 MR. HAMM: So we ended up meeting -- starting
6 in about May of 2012, we met about twice a month,
7 and that continued until the early part of 2013. So
8 we did meet, I'm going to estimate, at least 15
9 times. We had good attendance at most of those
10 meetings.

11 CHAIRWOMAN HART STEBBINS: I just asked that
12 question because I just want to add my thanks to the
13 members of this board. It was clearly a huge
14 investment of time and effort. And just listening
15 to the names that you read off, they're all people
16 of great expertise and understanding, and I just
17 want to say thank you.

18 I don't know if any of them are here, but
19 certainly --

20 MR. HAMM: I believe Mr. Trujillo is here.

21 CHAIRWOMAN HART STEBBINS: I'd like to say
22 thank you very much for your service. We really
23 rely on volunteers like you to make this county
24 function, so we appreciate your time.

25 Commissioners, any other questions?

1 Commissioner O'Malley.

2 COMMISSIONER O'MALLEY: Thank you, Madam Chair.

3 And we met. You did talk about -- give me
4 a presentation on the numbers and how you came up
5 with those numbers.

6 Could you tell me again the folks that
7 worked on this -- it was a small committee. And
8 what were their names again?

9 MR. HAMM: Madam Chair, Commissioner O'Malley,
10 are you specifically asking about the citizen
11 members or the staff members that were involved?

12 COMMISSIONER O'MALLEY: I was talking about the
13 citizen members.

14 MR. HAMM: Okay. The five names again were
15 Robert Trujillo. That was Commissioner De La Cruz's
16 appointment. Ron Bohannon was appointed by
17 Commissioner Lujan Grisham. Jim Trump was appointed
18 by Commission Hart Stebbins. Greg Payne was
19 appointed by Commissioner Michael Weiner, and Linda
20 Barber was appointed by Commissioner Johnson.

21 COMMISSIONER O'MALLEY: I was just curious as
22 to who the committee was. There has always been
23 that tension between people who have, I believe, a
24 vested interest as well, which is the community,
25 which actually pays for all this in the end, versus,

1 you know, the developers and their interests. And
2 so that's why I wanted to know.

3 I see that there are some developers. Not
4 that they don't have, you know, a dog in the fight.
5 But I'm always just curious as to what the makeup of
6 something like this is, only because there's a lot
7 of people that don't understand the impact fees and
8 what they mean and why they're even charged. So
9 there's a lot of confusion around them.

10 Sometimes it's really hard to get folks in
11 the community to participate in something like that,
12 especially when it gets to be pretty overwhelming.
13 But I've always wanted to hear that voice, only
14 because I've had to deal with the issue of not
15 having adequate fees for parks, where we've had to
16 come up with, in some cases, millions of dollars to
17 correct a situation where there was not enough fees
18 even to design a park.

19 And I think that, you know, the costs have
20 to be shared. And I've seen a lot of times the
21 community is the one that picks them up. And so
22 people who have been paying property taxes for 50,
23 60 years have to wait to get their streets done. So
24 that's my concern, so that's all I wanted to know.
25 Thank you.

1 CHAIRWOMAN HART STEBBINS: Commissioners, any
2 questions, comments?

3 All right. Seeing none, I move that we
4 approve introduction of the proposed amendments to
5 the Impact Fees Ordinance.

6 COMMISSIONER DE LA CRUZ: Second.

7 CHAIRWOMAN HART STEBBINS: We have a motion and
8 a second. All in favor say aye.

9 ALL MEMBERS: Aye.

10 CHAIRWOMAN HART STEBBINS: Opposed?

11 That motion passes unanimously.

12 Thank you very much.

13 (5-0 vote. Motion approved.)

14 MR. HAMM: Thank you, Commissioners.

15 CHAIRWOMAN HART STEBBINS: All right. We are
16 now on -- there being no adoption of the
17 resolutions, we are now on Item 11A.

18 Sheriff Houston.

19 SHERIFF HOUSTON: Thank you, Madam Chair,
20 Commissioners.

21 If you would allow me, even though this is
22 before you as the last step of what's been a fast
23 and furious process, I'd like to just quickly take
24 the opportunity to commend my executive staff, which
25 is here with me, as well as most all the department

1 directors, their assistants, our County Deputy
2 Managers, our County Manager, and our legal team.

3 This process and getting to the point
4 where we're here before you tonight just to ask you
5 to validate the fee proposal for the first 12 months
6 of the program has been a tremendous effort by many,
7 many people in the County to make this happen.

8 And I'm pleased to stand before you and
9 tell you that after you send us out with the
10 instruction and hope to incorporate the hearing
11 process within Bernalillo County ourselves, rather
12 than continue to try and create an MOU with the City
13 of Albuquerque, we're at that point now.

14 With your approval hopefully of these fees
15 tonight, we will begin starting to seize vehicles of
16 second DWI offenders again Friday night at midnight.

17 These fees, if I could just say real
18 quickly, are estimates of what we think will cover
19 the cost of the program. Again, we have no
20 intention whatsoever of making a profit on this
21 program. We just want to break even and use it as a
22 deterrent to people that continue to violate our
23 laws and use their vehicles when they're
24 intoxicated.

25 We have articulated with the County a

1 process where we will be able to capture all of the
2 expenses over the next 12 months of the program and,
3 in addition, capture the intake of the money.

4 And we will be able to come back to you
5 and give you exactly what those figures are, so that
6 if we need to make adjustments after the 12 months,
7 if some of the fees can be lowered or if they need
8 to be tweaked and raised a little bit, we'll be able
9 to provide you with that information.

10 So again, I would ask for your support of
11 the fees that are presented to you tonight. And
12 again, I want to take the opportunity to thank
13 everyone in the County who has made this possible.

14 CHAIRWOMAN HART STEBBINS: Commissioner
15 De La Cruz.

16 COMMISSIONER DE LA CRUZ: Thank you, Madam
17 Chair.

18 Sheriff, I want to thank you and your
19 staff for working on this new program. I think it's
20 in a better place under County jurisdiction. But
21 could you please not say, "fast and furious"?

22 SHERIFF HOUSTON: Okay. How about "rock and
23 roll"?

24 COMMISSIONER DE LA CRUZ: I would move
25 approval.

1 COMMISSIONER JOHNSON: Second.

2 CHAIRWOMAN HART STEBBINS: We have a motion and
3 a second. Questions, comments?

4 Just one question. Sheriff Houston, how
5 do these fees compare with what the City charges?

6 SHERIFF HOUSTON: They're pretty well mimicked.

7 CHAIRWOMAN HART STEBBINS: All right. We have
8 a motion and a second to approve the fee structure
9 for the Bernalillo County vehicle seizure and
10 forfeiture program. All in favor say aye.

11 ALL MEMBERS: Aye.

12 CHAIRWOMAN HART STEBBINS: Opposed?

13 That motion passes unanimously.

14 (5-0 vote. Motion approved.)

15 SHERIFF HOUSTON: Thank you very much.

16 CHAIRWOMAN HART STEBBINS: Thank you, Sheriff.

17 All right. We are now on what was
18 originally Item 3C, which is now Item 14A. And that
19 is the implementation of our newest Transparency
20 Act.

21 Mr. County Manager.

22 COUNTY MANAGER ZDUNCK: Madam Chair --

23 CHAIRWOMAN HART STEBBINS: Hold on. I missed
24 11B. We are now on 11B, Mr. County Manager.

25 COUNTY MANAGER ZDUNCK: Madam Chair,

1 Commissioners, what you have before you is a request
2 that started some months ago, I believe, by the past
3 chair to take a look at the term positions and make
4 adjustments accordingly.

5 So what we have done over the last several
6 months is asked, starting with the section managers
7 and directors, them to take a look at all their term
8 positions and, in conjunction with HR, look at the
9 length of time every one of these term positions
10 were there.

11 That has been accomplished. And then as
12 it rose up to the directors and then subsequently to
13 the Deputy County Managers and myself, those
14 positions were justified as being something of a
15 recurring nature or not of a recurring nature.

16 Once that was done, we vetted it through
17 our financial staff. And I want to assure you that
18 a couple of things come to mind. A lot of these
19 term positions have been there for a number of
20 years, and a term position implies that we are not
21 sure about you. And this whole process went through
22 to say we're sure we want to keep you there. Now
23 there's a need in the County. So that's step one.

24 Step two, there's no financial impact to
25 the County. These term positions are already at

1 comparable salaries for the positions, as well as
2 benefits, so there's no financial impact to the
3 County.

4 The third step of that is when we present
5 budgets to the DFA, the Department of Finance, it
6 implies that in years past, this was of a
7 nonrecurring nature, and in fact it was a recurring
8 nature.

9 So in my mind, we're actually turning out
10 the presentation for your benefit, for the public's
11 benefit, and obviously for the state.

12 So what you have before you is our
13 recommendation of 56 term positions. And we've also
14 attached for reference approximately 260 plus -- I
15 didn't count them, quite frankly -- of those that we
16 want to remain as term positions and go through this
17 process.

18 One final step is that on the
19 recommendation of Legal, we will have contracts
20 presented to those who remain terms so that they
21 know that their position is term and is subject to
22 review on a biennial basis. And that's to make sure
23 that they understand that there are no issues of,
24 "Gee, I want my leave paid out," et cetera,
25 et cetera.

1 So I think we've listened to the intent,
2 and I am presenting this to you for your approval.

3 CHAIRWOMAN HART STEBBINS: Commissioner
4 De La Cruz.

5 COMMISSIONER DE LA CRUZ: Thank you, Madam
6 Chair.

7 I appreciate you finally bringing it to
8 us, and it took a little while. We've had some
9 people that have done some amazing work for the
10 County. And I just want to mention them because
11 they're fresh on my mind.

12 Deputy County Manager Murphy and I were
13 out at the yards today on Broadway. And we had
14 folks from the ankle bracelet program, CCP, the
15 Community Custody Program, and they were washing
16 County cars.

17 But they do a lot more than that. They're
18 out there every weekend. They're out there during
19 the week, cleaning alleys in the City of Albuquerque
20 and the East Mountains and of course in the South
21 Valley.

22 And the people that oversee this program
23 have been term too long. They've done a fabulous
24 job for us. So I really appreciate that we have not
25 only them, but others that have done work. And I do

1 think it's time for us to create a little certainty
2 for them in their employment.

3 Thank you, Madam Chair.

4 CHAIRWOMAN HART STEBBINS: Commissioner
5 Johnson.

6 COMMISSIONER JOHNSON: Thank you, Madam Chair.

7 I'm a little bit off topic on this, but
8 I'm going springboard off of something that
9 Commissioner De La Cruz mentioned, which is the CCP
10 program.

11 Those guys really do work hard. I've used
12 them also in City areas, and we encourage the other
13 Commissioners to make use of them. They're looking
14 for good projects. They do good work.

15 And I don't know whether we've got a
16 motion yet for approval.

17 CHAIRWOMAN HART STEBBINS: We do not.

18 COMMISSIONER JOHNSON: I would move approval.

19 TWO MEMBERS: Second.

20 CHAIRWOMAN HART STEBBINS: We have a motion
21 from Commissioner Johnson and seconds from
22 Commissioners Talbert and De La Cruz.

23 All in favor say aye.

24 ALL MEMBERS: Aye.

25 CHAIRWOMAN HART STEBBINS: Opposed?

1 That motion passes unanimously.

2 (5-0 vote. Motion approved.)

3 CHAIRWOMAN HART STEBBINS: All right. And I
4 also skipped over Item 11C, which was moved from 3B,
5 Bernalillo County Housing Department Operating Fund
6 Reserves. Ms. Valdez.

7 MS. VALDEZ: Madam Chair, Commissioners, I move
8 approval for a request to use my capital fund
9 reserves in the amount of \$300,000. They need to be
10 encumbered for HUD regulation by April 1st.
11 March 31st is the deadline.

12 We are going to replace the air
13 conditioners for HVAC in our multifamily units,
14 which are seniors and disabled. We're going to
15 xeriscape, which will provide some water
16 conservation. And we're also going to put safety
17 doors on the front.

18 Right now they just have the little wooden
19 doors with the screens, some of them. Some of them
20 don't that I think were put on in 1969. So I'd like
21 approval to encumber these funds and spend it to
22 improve the multifamily units that Bernalillo County
23 owns.

24 CHAIRWOMAN HART STEBBINS: We have a motion to
25 approve from Commissioner O'Malley and a second from

1 Commissioner Talbert. Any questions?

2 Commissioner Johnson.

3 COMMISSIONER JOHNSON: Just out of curiosity,
4 are these matching funds that we're providing, or is
5 this -- I don't understand the HUD connection. I
6 apologize.

7 MS. VALDEZ: That's okay. HUD provides capital
8 funding each year for multifamily units. And if
9 we've built up reserves, April 1st is when they're
10 going to ask for them back. And we have about
11 441,000 in reserves. We're allowed to keep 100,000
12 or thereabouts. So if we don't spend that 300,000
13 on our units, HUD is taking it back.

14 COMMISSIONER JOHNSON: Use it or lose it. And
15 these are federal funds?

16 MS. VALDEZ: Right.

17 COMMISSIONER JOHNSON: Thank you.

18 CHAIRWOMAN HART STEBBINS: All right. Seeing
19 no further questions or comments, we have a motion
20 and a second to approve expenditure of HUD Public
21 Housing Operating Fund Reserves.

22 All in favor say aye.

23 ALL MEMBERS: Aye.

24 CHAIRWOMAN HART STEBBINS: Opposed?

25 That motion passes unanimously.

1 (5-0 vote. Motion approved.)

2 CHAIRWOMAN HART STEBBINS: All right, now we're
3 on Item 14A. And this is a demonstration of
4 Bernalillo County's newest Transparency Act, called
5 Your Property Tax Dollars at Work. Ms. Byrd.

6 MS. BYRD: Good evening, Madam Chair and
7 members of the Commission.

8 What we have here before you is a project
9 that we've been working on for quite a while. Last
10 year, Commissioner Maggie Hart Stebbins, the Chair,
11 approached us and asked us if we would go ahead and
12 look at this project, this Property Tax Dollars At
13 Work or tax dollars at work. And so she asked us to
14 look at it and to see if we could develop something
15 like that.

16 Well, we did. And so what I'd like to do
17 is be able to have our staff come up here and be
18 able to give a short demonstration of what it
19 entailed. But it's on line now. We're really proud
20 of it. We think that it's a really great job, and
21 it was an effort of a lot of people that came
22 together to get this done.

23 Shirley Ragin, our Budget Director, will
24 go ahead and present this.

25 MS. RAGIN: Commissioner Stebbins and

1 Commissioners, the Bernalillo County Tax Dollars At
2 Work, what this does is it's an interactive solution
3 where you can -- as a taxpayer, you can say, "The
4 value of my home is, say, \$150,000. Well, what does
5 that get me? What services does that get me from
6 Bernalillo County?"

7 And it's based on the budget. So this
8 particular version that we have right here is based
9 on the FY13 budget, which was \$229 million.

10 So out on the main page here, there's a
11 scroller that shows the new releases of the property
12 tax. So Ted here, I'll have him go into the
13 application, and he's going to go in at the vertical
14 view. You can enter there or you can enter on the
15 Finance Division's main Web page.

16 So the first thing it asks you to do is to
17 put in your property value, your estimated property
18 value. So Ted is going to enter \$150,000. And he's
19 also going to -- you have to mirror your property
20 taxes. So he's going to put in the exemptions for
21 veterans and for head of household, and then he's
22 going to press Submit.

23 So what that gives you is that your
24 estimated property tax is about \$1,800. And of that
25 total, the portion that goes to Bernalillo County is

1 about 20 percent, so it's \$357.

2 The next thing you could do then is say,
3 "Well, where does my \$357 that goes to Bernalillo
4 County, how is that money being used?" And this
5 chart here shows the main places. But if you will
6 go a little bit further down, you can see, by area
7 or types of services, how your money is being used.

8 So for instance, if you click on Public
9 Safety Services, you'll see that about \$192 of that
10 budget goes towards public safety services such as
11 the Metropolitan Detention Center, the Sheriff,
12 Fire, and so on. And then you can click on each
13 division and get an idea of where your dollars go.

14 This application will be updated each year
15 as the new budgets are input. I can't take credit.
16 I'm new to the County, so I did a lot of the
17 editing. But I will say that I know that a lot of
18 hard work went into this and thank Commissioner
19 Stebbins for her insight and her vision to provide
20 this to the citizens so that they can see that out
21 of the property tax mil, not all of it goes to
22 Bernalillo County. But our portion, that shows
23 exactly where it goes and the valuable services that
24 are provided to the community.

25 Are there any questions?

1 CHAIRWOMAN HART STEBBINS: I would just like to
2 say thank you to Ted Encinias, number one, for all
3 of your great work. I know you've been working on
4 this for a long time. Shirley to Vince Murphy, who
5 helped moved this along. Teresa Byrd. There were a
6 number of people sort of in and out of this project
7 over the last year. And I know it took a lot of
8 work, and I just want to say thank you.

9 And the reason I asked for this is because
10 I think when we're out in the community and people
11 ask us, "Well, you know, where does our property tax
12 go," I mean, I think this is a perfect tool that
13 actually brings it down to the individual level so
14 that you can enter in your property tax.

15 If your home is worth \$150,000, you know
16 that \$90 of your property tax goes to running the
17 jail. You know that about \$50 goes to running the
18 Sheriff's Department. And I think that helps people
19 understand what we do.

20 And the way that you have broken it down
21 by each of our departments, again, if you'll look at
22 the pie chart that says, "Public Works," there's
23 really not much detail that really tells you, "Well,
24 what do I get for that money?"

25 And what I love about the way you've

1 organized this is that it really does say, you know,
2 "What are these administrative services that are
3 listed in that pie chart?" You can break it down.
4 And Public Safety, again, you know, \$2.75 goes to
5 our Animal Care Services.

6 And I think that this is a really nice
7 tool. And I hope that our County taxpayers will
8 take a look at this and really understand where
9 their money goes.

10 I think there's often a misperception that
11 we receive all of the property tax dollars. And I
12 think that original pie chart that shows how much
13 goes to the City, how much goes to APS, and how much
14 goes to the University Hospital is important.

15 And then again to say, "Okay, so this
16 portion of it goes to Bernalillo County. What
17 happens to it then?"

18 I think you've done a beautiful job. I
19 again just want to say thank you to all of you for
20 the work that you've done.

21 Commissioner Talbert.

22 COMMISSIONER TALBERT: This is cool. This is
23 really cool. I think the key is getting the word
24 out. Let's not be shy about this. I think a lot of
25 times we tell people, "Go to bernco.gov," and we

1 don't tell them about that. Let's be proud. Let's
2 put out not a press release, because no one reads
3 those.

4 Let's put out something like somewhere
5 where people will read it and know it's there and
6 get it out, because this is good stuff. And we have
7 too much good stuff that we don't tell people about.
8 Be proud. Put it out there. We'll yell about it,
9 too.

10 But we've got to find way to get the
11 message out, because people will go there and they
12 won't know how to use it. Let's get them there.

13 CHAIRWOMAN HART STEBBINS: Commissioner
14 De La Cruz.

15 COMMISSIONER DE LA CRUZ: Thank you, Madam
16 Chair.

17 I'm with Commissioner Talbert. This is
18 really cool, and I appreciate all the hard work. I
19 know this stuff doesn't happen by itself. And often
20 the Commission and Commissioner Hart Stebbins and
21 myself, we have an idea or we have a vision, but it
22 takes somebody to implement it.

23 And yeah, Commissioner Talbert, we do have
24 to find a way to get this out there.

25 Thank you, Madam Chair.

1 CHAIRWOMAN HART STEBBINS: Commissioner
2 Johnson.

3 COMMISSIONER JOHNSON: Thank you, Madam Chair.

4 Cool, I mean this really is good. The
5 only thing I can see that maybe we need to add is a
6 tab for McClendon lawyer fees, which are very large,
7 or at least a subtab under Public Safety. We've
8 paid an awful lot of money to those guys on both
9 sides of the bench for this lawsuit.

10 But it is a great way to show people what
11 we do, where their money goes, and it is easy for
12 them to use and understand.

13 You know, I might make a suggestion as a
14 way to get people to know where it is or find it
15 more frequently. Just add it also to the Assessor's
16 page, some links from the Assessor's page. A lot of
17 folks go there.

18 I know my wife is a Realtor. And she
19 spends a lot of time there, trying to estimate
20 people's property taxes as part of a real estate
21 transaction. So this might even help some of the
22 Realtors in the area be able to explain where the
23 Bernalillo County taxes are going. So thank you for
24 a very good job.

25 CHAIRWOMAN HART STEBBINS: Commissioner

1 O'Malley.

2 COMMISSIONER O'MALLEY: Thank you.

3 I just have a quick question about the
4 difference -- I mean we've got unincorporated and
5 incorporated areas. And so are we looking at the
6 base for Bernalillo County and then those additional
7 taxes that are sent to the City?

8 Did you understand sort of my question?

9 MS. RAGIN: Commissioner Stebbins, Commissioner
10 O'Malley, I believe what you're saying is, how much
11 of this \$307 of the 20 percent?

12 It's the incorporated areas of Bernalillo
13 County is what that reflects. There is a footnote
14 here on one of the tabs that explains what the
15 unincorporated pieces have. It's a slightly
16 different rate portion.

17 COMMISSIONER O'MALLEY: Okay. Because when put
18 in the value or what you determine the value of your
19 house to be, is that based on the assessed value?

20 MS. RAGIN: Yes.

21 COMMISSIONER O'MALLEY: Okay. So there's not
22 the appraised value. It's the assessed value that's
23 probably in your tax assessment?

24 MS. BYRD: Madam Chair, Commissioner O'Malley,
25 this year we have -- there are two different things

1 going on. On the Treasurer's Web site, you can
2 actually go and look at what it actually is for your
3 home, were you to own one.

4 This one here is making some assumptions.
5 And so there are -- it's an estimating tool. So it
6 does look at Bernalillo County as a whole and what
7 the taxes are for Bernalillo County.

8 So we put some disclaimers in there,
9 saying if you're subject to this tax or this tax, it
10 might be a little bit different overall. But what
11 we did was we ran scenarios, different scenarios,
12 and compared them to the rates that we would see
13 anywhere, and they were very close.

14 So just know that this is -- this is a
15 good estimator of what it would be -- if you wanted
16 to go out and buy a home for 150,000, what it might
17 be.

18 Now again, you would have to look at those
19 little disclaimers that say, "Do you live in the
20 County? Do you have AMAFCA? Do you have this or
21 that?" That could make it a little different.

22 COMMISSIONER O'MALLEY: So if someone in the
23 unincorporated area and someone in the incorporated
24 area both put in \$150,000, they're going get the
25 same numbers?

1 MS. BYRD: Yes, ma'am.

2 COMMISSIONER O'MALLEY: Okay. But of course in
3 the incorporated areas, they're paying more because
4 they're also City residents?

5 MS. BYRD: Madam Chair, Commissioner O'Malley,
6 yes. And we put those in there.

7 You know, I think that we could
8 probably -- what we list is additional mills not
9 included in the estimated property tax distribution.
10 And so we list those different items that aren't in
11 there.

12 We realized -- what we did was we went and
13 looked at what others maybe were using across the
14 country. And so we looked at that. And we know
15 that we can take this tool and even develop it even
16 further.

17 But for this purpose, we thought that it
18 at least provides something, where there was nothing
19 before that anybody could look at with being able to
20 look at a good estimation. So is it 100 percent if
21 you live here or live there? It's going to be off a
22 little bit.

23 But again, what we did do is we tried to
24 compare it to putting in the variables that we could
25 to try to get it as close as we could with that

1 number.

2 COMMISSIONER O'MALLEY: I just say this because
3 I'm looking at the unincorporated areas of the
4 Sheriff. So the Sheriff is paying the same as if
5 the Sheriff were incorporated. But basically, the
6 City has the Police Department. So there's just
7 things like that that will probably come up.

8 MS. BYRD: Madam Chair, Commissioner O'Malley,
9 I think you know that we've been working on this for
10 a while. And I think that we see a few good places
11 where we can do a little tweaking as we go along.
12 But you're right. You know, there are some issues
13 that we would need to look at.

14 CHAIRWOMAN HART STEBBINS: Thank you.

15 Commissioner Johnson.

16 COMMISSIONER JOHNSON: Thank you, Madam Chair.
17 And I apologize. I said, "The Assessor's
18 office." But the property tax calculators are in
19 the Treasurer's office, as Ms. Byrd just pointed
20 out.

21 But what we might be able to do -- and I
22 don't know whether it technically is feasible -- but
23 add to that property tax calculator the actual
24 information of the jurisdiction within where they
25 live.

1 Because if you're talking about a specific
2 property at that point, then you'll know where they
3 are from our GIS. And maybe this is a road for
4 improvement down the road so that we address some of
5 those concerns that Commissioner O'Malley had and
6 give them an option to look at it by their actual
7 property.

8 MS. BYRD: Madam Chair, Commissioner Johnson,
9 page 2.

10 COMMISSIONER JOHNSON: Great. But otherwise,
11 very good work.

12 CHAIRWOMAN HART STEBBINS: All right, thank
13 you.

14 And I think it's important to point out
15 that there are two different tax calculators on our
16 Web site. And the one that we're talking about
17 tonight, Tax Dollars At Work, is really meant to be
18 a tool you can use to see where your tax dollars go.

19 There's another tool that's provided by
20 the Treasurer where you can enter in your specific
21 property information and get the exact taxes. So
22 ours is not meant in any way to be a tax estimator.

23 And I think it's important to make that
24 distinction, that you don't use this tool to figure
25 out what your tax is going to be. That's where you

1 would go to the Treasurer's office and get a more
2 exact amount.

3 So again, this is more transparency,
4 looking at where your dollars are spent, as opposed
5 to exactly how much tax do I pay?

6 And I just in talking about how does this
7 play and how we make this more accessible to the
8 public, what I'd like to ask is, is it possible to
9 have a permanent button on that? So our Web site
10 has buttons on the left-hand side that are large and
11 permanent. Is it possible to make one of those this
12 Tax Dollars At Work?

13 Because I'll just tell you, even when I
14 use the Web site, when I search for something, it's
15 not always easy to find. I would just like to make
16 that suggestion.

17 COUNTY MANAGER ZDUNCK: Madam Chair, the answer
18 is yes.

19 CHAIRWOMAN HART STEBBINS: All right, let's do
20 it. Thank you.

21 Commissioner De La Cruz.

22 COMMISSIONER DE LA CRUZ: Commissioner, I
23 failed to give you the recognition that I really
24 think you deserve. I really appreciate your
25 leadership in this, and I think this is really neat.

1 It seems very innovative.

2 I don't know of any other counties or
3 cities that are doing this. If they're not and
4 we're doing something that's a new creation, then I
5 would encourage us to apply for some form of an
6 equal recognition. I just think it's really
7 something exceptional. So Commissioner, thank you.

8 CHAIRWOMAN HART STEBBINS: Well, thank you,
9 Commissioner. And again, I have to give credit to
10 the staff. You know, it's great that I could come
11 to that and say, "Hey, is this something they can
12 do," and they find way to do it.

13 So again, Ted, you've done beautiful work,
14 all of you. Thank you for your contributions to
15 this project.

16 All right. Seeing no further business, I
17 would like to announce that our next zoning meeting
18 will be Tuesday, March 26th, at 1:00 p.m. Please
19 note that that time is earlier than we usually meet.

20 Our administrative meeting will follow at
21 3:00, March 26th, here at the Vincent E. Griego
22 Chambers.

23 Our documents have been signed, and this
24 meeting is adjourned.

25 (Proceedings adjourned at 6:45 p.m.)

1 STATE OF NEW MEXICO
2 COUNTY OF BERNALILLO

3

4

5 REPORTER'S CERTIFICATE

6 I, Paul Baca, New Mexico Certified Court
7 Reporter No. 112, do hereby certify that I reported
8 the foregoing proceedings in stenographic shorthand
9 and that the foregoing pages are a true and correct
10 transcript of those proceedings and were reduced to
11 printed form under my direct supervision.

12 I FURTHER CERTIFY that I am neither
13 employed by nor related to any of the parties or
14 attorneys in this case and that I have no interest
15 in the final disposition of this case.

16

17

18

19 _____
20 PAUL BACA
21 Certified Court Reporter No. 112
22 License Expires: 12/31/2013

23

24

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Attachment: 3-12-2013 Adm (2765 : Minutes Approval for March 12, 2013 Administrative Meeting)



Board of County Commissioners (BCC)

Meeting: 03/26/13 03:00 PM

Department: Solid Waste and Diversified Services

Prepared By: Julie Baca

Director: Kim McKibben

DCM: Jarvis Middleton

Title: Elevator Upgrades at 5100 2Nd St NW, 6840 2Nd St NW, 5901 Zuni SE and 111 Union Square NW

Action:

Motion to approve expenditures exceeding \$150,000 on the current contract with ThyssenKrupp Elevator for elevator upgrades.

Summary:

Pursuant to Resolution AR2012-17, contracts with expenditures that exceed \$150,000 require Board approval. Bernalillo County's current contracts with ThyssenKrupp Elevator for elevator control systems. Maintenance is at \$88,080. ThyssenKrupp holds the GSA Federal Supply Service Multi Award Schedule Contract that the county used for cooperative procurement.

The elevators at 5100 2nd St NW, 6840 2nd St NW, 5901 Zuni SE and 111 Union Square NW have exceeded the overall life expectancy of elevator control systems with all units being in excess of 20 years of age. The upgrade will increase operation and reliability of the elevators for another 20 years. Upon completion, these elevators will meet all current National and Local Elevator Code requirements as well as current ADA and Life Safety Requirements. The upgrade cost for the four is estimated to be \$222,800. The interior of the elevators will not be upgraded.

Staff requests the Board's approval increasing the current contract with ThyssenKrupp Elevator above the \$150,000 limit for the modernization of elevators at 5100 2nd St NW, 6840 2nd St NW, 5901 Zuni SE and 111 Union Square NW.

Attachments:

- FAF Elevator Upgrades - 4 bldgs 3 26 2013 (XLSX)

Staff Analysis Summary:

Solid Waste and Diversified Services Kim McKibben Completed 03/15/2013 4:34 PM
Approve for Routing. KM 3/15/2013

Purchasing Phillip Lee Completed 03/18/2013 8:33 AM

Proper Purchasing procedures will be followed for any and all procurements.

Risk Management Tiffany Chamblee Completed 03/18/2013 9:00 AM

2751: Risk Management has reviewed, and supports, the motion to approve expenditures exceeding \$150,000 on the current contract with ThyssenKrupp Elevator for elevator upgrades.

Insurance requirements of the current contract will remain unchanged. Joe Crelier, Risk Management Director 3/18/13.

Budget Shirley Ragin Completed 03/19/2013 6:08 PM

Reviewed and approved. SMR 3/19/2013

Deputy County Managers Teresa Byrd Completed 03/21/2013 4:30 PM

Reviewed

Deputy County Managers Jarvis Middleton Completed 03/21/2013 4:55 PM

Increasing the current contract will allow for identified elevators to be upgraded to meet code requirements and ADA standards. I recommend Board approval. JDM 3/21/2013

Legal Randy Autio Completed 03/21/2013 4:57 PM

Approved as to legal form.

County Manager Tom Zdunek Completed 03/21/2013 5:04 PM

Ongoing upgrades per code as well as maintenance is an absolute requirement for elevators. I recommend Board approval. T.Z. 03/21/13

Board of County Commissioners Yvette Chavez Pending



FINANCIAL ANALYSIS FORM

SECTION 1: GENERAL INFORMATION

| | |
|--|---|
| Date: | March 26, 2013 |
| Action Item Title: | Elevator Control System Upgrades |
| Department: | Solid Waste and Diversified Services |
| Form Prepared By: (Name, Title & Phone Number) | Linda Murray - Telecom Coordinator-- 224 1667 |
| Form Reviewed By: (Budget Office Staff Name & Title) | Stephanie Pugh, Financial Services Administrator IV |
| (1 thru 5 or all) BCC District: | 1, 2, 3 |

SECTION 2: PROJECT OVERVIEW

This action request commission approval to increase the dollar amount on the current contract with ThyssenKrupp to \$222,800 to expend general fund money to upgrade the elevators at the Youth Services Center (YSC), Atrium North, Metropolitan Assessment and Treatment Services (MATS) facility, and Union Square. Pursuant to Resolution AR2012-17, contracts that exceed \$150,000 require Board approval.

SECTION 3: FUNDING SOURCE AND/OR REVENUE IMPACT

| Funding Source | NEW | EXISTING | FY13 | FY14 | FY15 | FY16 | FY17 | TOTALS |
|-----------------------------------|-----|----------|---------|------|------|------|------|------------|
| RECURRING | | | | | | | | |
| | | | - | - | - | - | - | \$ - |
| | | | - | - | - | - | - | \$ - |
| SUB-TOTAL RECURRING | | | - | - | - | - | - | \$ - |
| NON-RECURRING | | | | | | | | |
| General Fund Programmatic funding | | X | 222,800 | - | - | - | - | \$ 222,800 |
| | | | - | - | - | - | - | \$ - |
| SUB-TOTAL NON-RECURRING | | | 222,800 | - | - | - | - | \$ 222,800 |
| Total Revenues | | | 222,800 | - | - | - | - | \$ 222,800 |

*New = New Funding Request/Not Currently Budgeted OR
Existing = Funding Exists in the Budget

TOTAL REVENUES \$ 222,800

SECTION 4: EXPENDITURE & STAFF IMPACT

| Expenditure Description | NEW | EXISTING | FY 14 | FY | FY | FY | FY | TOTALS |
|---|-----|----------|---------|----|----|----|----|------------|
| RECURRING | | | | | | | | |
| | | | - | - | - | - | - | \$ - |
| | | | - | - | - | - | - | \$ - |
| SUB-TOTAL RECURRING | | | - | - | - | - | - | \$ - |
| NON-RECURRING | | | | | | | | |
| Construction Services - Elevator Upgrades | X | | 222,800 | - | - | - | - | \$ 222,800 |
| | | | - | - | - | - | - | \$ - |
| SUB-TOTAL NON-RECURRING | | | 222,800 | - | - | - | - | \$ 222,800 |
| Sub-total Operating Expenditures | | | 222,800 | - | - | - | - | \$ 222,800 |

*New = New Funding Request/Not Currently Budgeted OR
Existing = Funding Exists in the Budget



FINANCIAL ANALYSIS FORM

| Staff Position Title | Status* | New | Existing | FY | FY | FY | FY | FY | TOTALS |
|-----------------------------------|---------|-----|----------|----|----|----|----|----|--------|
| | | | | - | - | - | - | - | \$ - |
| | | | | - | - | - | - | - | \$ - |
| | | | | - | - | - | - | - | \$ - |
| Sub-total Staff Cost Expenditures | | | | - | - | - | - | - | \$ - |

*Status of Position enter FT = Full-Time Equivalent, PT = Part-Time FTE, T = Term

| | | | | | | | | | |
|---------------------------|--|--|--|--|--|--|--|--|-------------------|
| TOTAL EXPENDITURES | | | | | | | | | |
| TOTAL EXPENDITURES | | | | | | | | | \$ 222,800 |

SECTION 5: NARRATIVE

FISCAL IMPLICATIONS

Historical Information and Existing Funding (include match and in-kind funding) - Bernalillo County currently contracts with ThyssenKrupp for elevator control systems. Life expectancy of an elevator is 25 years. The elevators at four locations, Union Square, YSC, MATS, and Atrium North, have all exceeded the overall life expectancy of 25 years. Maintenance cost associated with the 4 elevator units is \$155 per month per elevator. The County piggybacks off a GSA contract with ThyssenKrupp. The maintenance agreement allows for any part that is broken or needs replacement, and is available, is covered by the GSA contract and the \$155 per month fee. Parts that are not readily available and must be special ordered are not covered by the contract and those costs are in addition to the \$155 monthly fee.

Current Impact of Proposed Action - If the contract increase is approved funding requests for upgrading the elevator control systems will be initiated. The interior of the elevators will not be upgraded. The monthly maintenance fee will remain in effect.

The elevators will meet current National and Elevator Code requirements, City of Albuquerque Fire Code, and ADA requirements.

Future Implications - By upgrading the elevators future savings will be realized through the efficiency of the system (the type of hydraulic oil used to make the elevator run results in less electricity being used). Electric use for each elevator is expected to be 10% lower after the upgrade which will result in utility cost savings to the County.

Departmental Impacts - Elevators will be down 3- 4 weeks while work is completed. Employees and clients will utilize the stairs during this time frame.

Countywide Impacts - Materials will be delivered 6-8 weeks once a contract is signed. Elevator downtime for the work to be performed is anticipated to be 3-4 weeks per elevator.

Other - N/A

JUSTIFICATION

Mandated - This is not a mandated project however the elevator upgrades will ensure each unit meets current National and Elevator Code requirements, the current City Fire Code, and ADA regulation compliance.

Program Relevance - The elevator upgrades will increase operation and reliability of the elevators for another 20 years, provide increased safety to the public and County personnel, and add value to the properties.

Other Measures - Upgrading the elevators will be a cost savings to the County while meeting the most current National and Elevator Code requirements, the current City Fire Code, and ADA compliance requirements.

ALTERNATIVES

If not approved maintenance expenses will continue to increase as parts for these older units become unavailable, rendering the maintenance contract less cost effective. Also, the stairs will need to be utilized more during periods of maintenance and repair making ADA compliance difficult.



FINANCIAL ANALYSIS FORM

BUDGET / FINANCE RECOMMENDATION

Budget staff has reviewed this item and recommends the increase to the contract.



Board of County Commissioners (BCC)

Meeting: 03/26/13 03:00 PM

Department: Solid Waste and Diversified Services

Prepared By: Julie Baca

Director: Kim McKibben

DCM: Jarvis Middleton

Title: Upgrade Card Access for County-Wide Facilities

Action:

Motion to approve expenditures exceeding \$150,000 increasing the current contract with MCB Enterprises, Inc. dba Security & Access System for card access upgrades.

Summary:

Pursuant to Resolution AR2012-17, contracts with expenditures that exceed \$150,000 require Board approval. Bernalillo County currently contracts with MCB Enterprises, Inc. dba Security & Access System for upgrading the County wide card access system, to include hardware, software and partitioning.

This system allows easy access with door controllers using electronic cards. It allows for the system to be centrally administered to remote locations, connecting County facilities with one card accessing for County facilities. This upgrade standardizes County supported card access systems from four to one, allowing all operated County facilities single card access while reduced hardware, software and maintenance costs. This upgraded system, appropriately partitioned, will allow independent management by appropriate personnel, with proper auditing, and be centrally monitored and maintained.

Staff requests the Board's approval increasing the current contract with MCB Enterprises, Inc. dba Security & Access System above the \$150,000 limit to upgrade card access for county-wide facilities.

Attachments:

- Card Access Upgrade FAF 3 26 2013s (XLS)

Staff Analysis Summary:

Solid Waste and Diversified Services Kim McKibben Completed 03/15/2013 4:33 PM
Approved for Routing. KM 3/15/2013

Purchasing Phillip Lee Completed 03/18/2013 9:06 AM

Proper Purchasing procedures will be followed for any and all procurements.

Risk Management Joseph Crelier Completed 03/18/2013 11:55 AM

2753: Risk Management has reviewed, and supports, the motion to approve expenditures exceeding \$150,000 increasing the current contract with MCB Enterprises, Inc. dba Security &

Access System for card access upgrades. Insurance requirements of the current contract will remain unchanged. Joe Crelier, Risk Management Director 3/18/13.

Budget Shirley Ragin Completed 03/20/2013 1:29 PM

Reviewed and approved. SMR 3/20/2013

Deputy County Managers Teresa Byrd Completed 03/21/2013 4:27 PM

Approval of this motion will allow the County to use this vendor to standardize card access to one county wide system in accordance with the New Mexico Procurement Code.

Deputy County Managers Jarvis Middleton Completed 03/21/2013 4:39 PM

Approval of this item will allow for necessary card access upgrades for county wide facilities. I recommend Board approval. JDM 3/21/2013

Legal Randy Autio Completed 03/21/2013 4:46 PM

Approved as to legal form

County Manager Tom Zdunek Completed 03/21/2013 4:54 PM

This vendor has demonstrated excellent service. Our card access is an ongoing effort to remove keys while having the ability to deny once employment has ended. I recommend Board approval. T.Z. 3/21/03

Board of County Commissioners Yvette Chavez Pending



FINANCIAL ANALYSIS FORM

SECTION 1: GENERAL INFORMATION

| | |
|---|---|
| Date: | March 26, 2013 |
| Action Item Title: | Upgrade Card Access |
| Department: | Solid Waste and Diversified Services |
| Form Prepared By: (Name, Title & Phone Number) | Linda Murray - Telecom Coordinator-- 224 1667 |
| Form Reviewed By: (Budget Office Staff Name & Title) | Stephanie Pugh, Financial Services Administrator IV |
| (1 thru 5 or all) BCC District: | All |

SECTION 2: PROJECT OVERVIEW

This action request commission approval to increase to \$211,000 the current contract with MCB Enterprise, Inc. dba Security & Access System per RFB #0039-12-PL. The upgraded card access will include hardware, partitioning, and repair to existing facilities. This upgrade standardizes County supported card access systems to one system (from four), allowing all operated County facilities single card access while reducing hardware, software, and maintenance costs. Pursuant to resolution AR2012-17, contracts with expenditures that exceed \$150,000 require Board approval.

SECTION 3: FUNDING SOURCE AND/OR REVENUE IMPACT

| Funding Source | NEW | EXISTING | FY13 | FY14 | FY15 | FY16 | FY17 | TOTALS |
|---------------------------------|-----|----------|---------|------|------|------|------|------------|
| RECURRING | | | | | | | | |
| | | | - | - | - | - | - | \$ - |
| | | | - | - | - | - | - | \$ - |
| SUB-TOTAL RECURRING | | | - | - | - | - | - | \$ - |
| NON-RECURRING | | | | | | | | |
| Building Maintenance and Repair | | X | 211,000 | - | - | - | - | \$ 211,000 |
| | | | - | - | - | - | - | \$ - |
| SUB-TOTAL NON-RECURRING | | | 211,000 | - | - | - | - | \$ 211,000 |
| Total Revenues | | | 211,000 | - | - | - | - | \$ 211,000 |

*New = New Funding Request/Not Currently Budgeted OR
Existing = Funding Exists in the Budget

TOTAL REVENUES \$ 211,000

SECTION 4: EXPENDITURE & STAFF IMPACT

| Expenditure Description | NEW | EXISTING | FY13 | FY14 | FY15 | FY16 | FY17 | TOTALS |
|----------------------------------|-----|----------|---------|------|------|------|------|------------|
| RECURRING | | | | | | | | |
| | | | - | - | - | - | - | \$ - |
| | | | - | - | - | - | - | \$ - |
| SUB-TOTAL RECURRING | | | - | - | - | - | - | \$ - |
| NON-RECURRING | | | | | | | | |
| Building Maintenance and Repair | | X | 211,000 | - | - | - | - | \$ 211,000 |
| | | | - | - | - | - | - | \$ - |
| SUB-TOTAL NON-RECURRING | | | 211,000 | - | - | - | - | \$ 211,000 |
| Sub-total Operating Expenditures | | | 211,000 | - | - | - | - | \$ 211,000 |

*New = New Funding Request/Not Currently Budgeted OR
Existing = Funding Exists in the Budget



FINANCIAL ANALYSIS FORM

| Staff Position Title | Status* | New | Existing | FY13 | FY14 | FY15 | FY16 | FY17 | TOTALS |
|--|---------|-----|----------|------|------|------|------|------|--------|
| | | | | - | - | - | - | - | \$ - |
| | | | | - | - | - | - | - | \$ - |
| | | | | - | - | - | - | - | \$ - |
| Sub-total Staff Cost Expenditures | | | | - | - | - | - | - | \$ - |

*Status of Position enter FT = Full-Time Equivalent, PT = Part-Time FTE, T = Term

| | | | | | | | | | |
|---------------------------|--|--|--|--|--|--|--|--|-------------------|
| TOTAL EXPENDITURES | | | | | | | | | |
| TOTAL EXPENDITURES | | | | | | | | | \$ 211,000 |

SECTION 5: NARRATIVE

FISCAL IMPLICATIONS

Historical Information and Existing Funding (include match and in-kind funding) Bernalillo County currently utilizes four different key card access systems. Each system allows authorized individuals to access through protected areas without using mechanical locks and keys. Currently an individual with access to a number of buildings may be required to carry multiple cards to gain access.

Current Impact of Proposed Action - If the contract increase is approved a funding request for upgrading the card access system will be initiated. The uniform REDI KEY door controllers allows easy administration of electronic cards. Hardware upgrade will be at 5 facilities, including 400 Lomas, and partitioning upgrades includes all buildings. The system will acquire additional doors and license cost will increase, however, the Sheriff's Office will not have the burden to upgrade their system and purchase cards separately. Currently 400 Lomas and Mcgrane are unsupported and cost to maintain is based on time and materials.

Future Implications - The system allows the County to centrally administer access to remote locations. With the new contract MCB will supply the parts and support for the upgraded system. The County will be able to repair and maintain the system with its own employees. No new staff is required as the County currently employs two Technicians who will maintain the MCB Enterprise Security System. Utilizing County personnel should result in a decrease in ongoing maintenance cost.

Departmental Impacts - Upgrading the system allows easy access with door controllers using electronic cards throughout the County. This upgrade standardizes County supported card access supported card access systems from four to one, allowing all operated County facilities single card access while reducing hardware, software & maintenance costs.

Countywide Impacts - Connecting County facilities with one card accessing for programming eliminates the need for the use of two or more cards for personnel with access to multiple facilities. The upgrade will provide an easy, proven way of controlling who has access to County property and when that access is allowed.

Other - none

JUSTIFICATION

Mandated - This is not a mandated service.

Program Relevance - This upgraded system, appropriately partitioned, will allow independent management by appropriate personnel, with proper auditing, and can be centrally monitored and maintained.

Other Measures - As the County continues to grow with assets, responsibilities, and employees there is a need to have additional County owned facilities brought on line with card access.

ALTERNATIVES



FINANCIAL ANALYSIS FORM

If not approved the County will continue using the four access card systems, paying separate monthly monitoring fees and separate maintenance fees associated with the four different security systems.



Board of County Commissioners (BCC)

Meeting: 03/26/13 03:00 PM

Department: Legal
 Prepared By: Juanita Gurule
 Director: Peter Auh
 DCM:
 Sponsors: Hart Stebbins

Title: Ordinance Regulating the Operation of Sexually Oriented Businesses

Action:

Convene a Public Hearing.

Motion to adopt **Ordinance 2013-**_____ regulating the operation of sexually oriented businesses.

Summary:

The proposed ordinance was approved for notice and publication at the February 12, 2013 Administrative Meeting and is now coming back for final adoption. No comments were received.

The Sexually Oriented Business Ordinance (SOBO) is a business registration ordinance which is designed to lessen the adverse secondary effects of sexually oriented businesses that are legally located in the county under the zoning code. This ordinance will regulate the operation of sexually oriented businesses that provide live or recorded entertainment or might allow specified sexual activities on their premises, in order to promote the health, safety, and general welfare of the citizens of the County and to minimize the deleterious secondary effects of such sexually oriented businesses both inside such businesses and outside in the surrounding communities. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative performances, including sexually oriented performances. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented performances protected by the First Amendment, or to deny access by exhibitors of sexually oriented entertainment to their intended market.

A similar ordinance was recently passed in the City of Albuquerque and it is important to adopt a County law that is as stringent as the City regulations so that poorly run businesses are not likely to open establishments in the County as an alternative to the City. SOBO creates a process so that business owners are given due process in cases where a business is found to be in violation of the ordinance and ordered to cease operating as a sexually oriented business.

Attachments:

- SOB Ordinance (DOC)

- SOBO 1-22-13 Final (DOC)

Staff Analysis Summary:

Deputy County Managers Vince Murphy Pending

Legal Peter Auh Completed 03/22/2013 10:33 AM

Approved as to form. PSA

County Manager Tom Zdunek Completed 03/22/2013 12:39 PM

The proposed Ordinance was approved for publication at the February 12 meeting. If adopted, the Ordinance will go into effect in 30 days. TZ 03/19/2013

Board of County Commissioners Yvette Chavez Pending

BERNALILLO COUNTY
BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. _____

**AN ORDINANCE UNDER CHAPTER 14, DIVISION 2, ARTICLE IX OF THE
 BERNALILLO COUNTY CODE REGULATING THE OPERATION OF SEXUALLY
 ORIENTED BUSINESSES.**

WHEREAS, this division is enacted under the authority of NMSA 1978, §§ 3-17-1, 4-37-1 and 10-16-13, and this ordinance shall be known as the Sexually Oriented Business Ordinance and read as follows:

Sec. 14-401. Short Title.

This Ordinance shall be known and may be cited as the 'Sexually Oriented Business Ordinance.'

Sec. 14-402. Purpose and Intent.

(a) It is the purpose of this Ordinance to regulate the operation of sexually oriented businesses that provide live or recorded entertainment or might allow specified sexual activities on their premises, in order to promote the health, safety, and general welfare of the citizens of the County and to minimize the deleterious secondary effects of such sexually oriented businesses both inside such businesses and outside in the surrounding communities. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative performances, including sexually oriented performances. Similarly, it is neither the intent nor effect of this Ordinance to restrict or deny access by adults to sexually oriented performances protected by the First Amendment, or to deny access by exhibitors of sexually oriented entertainment to their intended market.

(b) This Ordinance is in addition to other provisions in the Ordinances of the County of Bernalillo that deal with related but separate matters; specifically, the provisions of the Zoning Code regarding zoning regulations for Adult Amusement Establishments, the provisions of the Zoning Code Appendix A, § 17.5 regarding viewing booths or video arcades, and the provisions § 54-101 et seq. regarding the distribution of obscene material.

(c) This Ordinance is promulgated pursuant to the County's authority under the New Mexico Constitution and statutes.

(d) Any approvals granted under this ordinance do not authorize or legalize any conduct, activity, or business that is illegal under city, county, state or federal law.

(E) The Bernalillo County Commission, in deliberating this Ordinance, considered certain studies and court decisions in finding that this Ordinance is appropriately tailored to reduce the secondary effects of crime and human trafficking associated with Adult Amusement Establishments. The Findings are archived in the Legislative Record for this Ordinance.

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ORIENTED BUSINESSES.

Sec. 14-403. Definitions.

For the purpose of this Ordinance the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Adult Amusement Establishment. For the purposes of this Ordinance, an establishment such as an auditorium, bar, cabaret, concert hall, nightclub, restaurant, theater, or other commercial establishment that provides amusement or entertainment featuring one or more of the following:

A live or recorded performance or act distinguished or characterized by an emphasis on the depiction, description, exposure, or representation of specified anatomical areas or the conduct or simulation of specified sexual activities, and as further defined under the County Zoning Code Appendix A, § 5 and § 17.5(F).

Adult Cabaret. A type of Adult Amusement Establishment that regularly features live entertainment that is intended to provide sexual stimulation or sexual gratification.

Adult Cabaret Entertainer. An employee of a sexually oriented business who engages in or performs adult cabaret entertainment, or an independent contractor who engages in or performs adult cabaret entertainment.

Adult Cabaret Entertainment. Live entertainment that is intended to provide sexual stimulation or sexual gratification and is distinguished or characterized by an emphasis on specified anatomical areas or specified sexual activities that are not prohibited by this Ordinance.

Adult Theater. A theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

Applicant.

(1) A person in whose name a license to operate a sexually oriented business will be issued;

(2) Each individual who signs an application for a sexually oriented business license;

(3) Each individual who is an officer of a sexually oriented business for which a license application is made regardless of whether the individual's name or signature appears on the application;

(4) Each individual who has a 20 percent or greater ownership interest in a sexually oriented business for which a license application is made regardless of whether the individual's name or signature appears on the application; and

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(5) Each individual who exercises substantial de facto control over a sexually oriented business for which a license application is made regardless of whether the individual's name or signature appears on the application.

Conviction. A conviction, including a plea agreement, in a federal court or a court of any state or foreign nation or political subdivision of a state or foreign nation that has not been reversed, vacated, or pardoned. "Conviction" includes disposition of charges against a person by probation or deferred adjudication.

Designated Operator. The person or persons identified in the license application, or in any supplement or amendment to the license application, as being a designated operator of the sexually oriented business.

Employee. Any individual who:

(1) Is listed as a part-time, full-time, temporary, or permanent employee on the payroll of an applicant, licensee, or sexually oriented business; or

(2) Performs or provides entertainment on the sexually oriented business premises for any form of compensation or consideration, including persons working as contractors or independent contractors.

Licensee.

(1) A person in whose name a license to operate a sexually oriented business has been issued;

(2) Each individual listed as an applicant on the application for a license;

(3) Each individual who is an officer of a sexually oriented business for which a license has been issued under this Ordinance, regardless of whether the individual's name or signature appears on the license application;

(4) Each individual who has a 20 percent or greater ownership interest in a sexually oriented business for which a license has been issued under this Ordinance, regardless of whether the individual's name or signature appears on the license application; and

(5) Each individual who exercises substantial de facto control over a sexually oriented business for which a license has been issued under this Ordinance, regardless of whether the individual's name or signature appears on the license application.

County Manager. County Manager of Bernalillo County or his or her authorized designee.

Minor. A person under the age of 18 years.

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ORIENTED BUSINESSES.

Operates or Causes to be Operated. To cause to function or to put or keep in operation. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner, or licensee of the business.

Operator. Any person who has managerial control of the on-site, day-to-day operations of a sexually oriented business, regardless of whether that person is a designated operator of the sexually oriented business.

Person. An individual, proprietorship, partnership, corporation, association, or other legal entity.

Sexually Oriented Business. An Adult Amusement Establishment, or other commercial enterprise the primary business of which is the offering of a service intended to provide sexual stimulation or sexual gratification to the customer through live or recorded performances, and as further defined under the County Zoning Code Appendix A, § 5 and § 17.5(F).

Specified Anatomical Areas.

(1) Less than completely and opaquely covered human:

(a) Genitals, pubic region;

(b) Buttock or anus;

(c) Female breast below a point immediately above the top of the areola to and including the bottom of the breast; covering of on the nipple and areola of the breast shall not constitute such covering;

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered; and

(3) A covering or device that, when worn, gives the appearance of or simulates the above listed specified anatomical areas.

Specified Sexual Activities.

(1) Human genitals in a state of sexual stimulation or arousal;

(2) Actual or simulated sex acts of human masturbation, sexual intercourse, sodomy, or similar acts; or

(3) Fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breast.

Transfer of Ownership or Control of a sexually oriented business.

(1) The sale, lease, or sublease of the business;

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(2) The transfer of securities that constitute a controlling interest in the business, whether by sale, exchange, or similar means; or

(3) The establishment of a trust, gift, or other similar legal device that transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

VIP Room. Any separate area, room, booth, cubicle, or other portion of the interior of an Adult Amusement Establishment (excluding a restroom and excluding an area of which the entire interior is clearly and completely visible from the exterior of the area) to which one or more customers are allowed access or occupancy and other customers are excluded.

Sec. 14-404. License and Designated Operator Required.

(a) A person commits an offense if he operates a sexually oriented business without a valid license issued by the County for the particular type of business.

(b) An application for a license must be made on a form provided by the County Manager. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but must be sufficient to accurately convey the layout and design of the premises and business. Before the requested license can be granted, the County Manager will perform an initial inspection of the premises and business to confirm consistency with the provided sketch or diagram.

(c) Only a person who is an officer of or who has an ownership interest in a sexually oriented business may apply for a license for the business. Each applicant must be qualified according to the provisions of this Ordinance.

(d) If a person who wishes to operate a sexually oriented business is an individual, he must sign the application for a license as the applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who is an officer of the business or who has a 20 percent or greater ownership interest in the business must sign the application for a license as an applicant. The application must be sworn to be true and correct by each applicant.

(e) In addition to identifying those persons required to sign an application under Subsection (d), the application must identify all parent and related corporations or entities of any person who will own or operate the sexually oriented business and include the names of the officers of each parent or related corporation or entity.

(f) The application must also include the name, address, and telephone number of one or more designated operators who will be present on the premises of the sexually oriented business during all hours of operation. The applicant or licensee shall maintain a current list of designated operators with the County Manager. Before a person may serve as a designated operator of the

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sexually oriented business, the person must be named in the license application, or a supplement or amendment to the license application, and not be disqualified to operate a sexually oriented business under this Ordinance.

(g) A licensee commits an offense if he fails to maintain at least one designated operator present on the premises of the sexually oriented business during all hours of operation.

Sec. 14-405. Issuance of License.

(a) The County Manager shall approve the issuance of a license within 30 days after receipt of an application unless the County Manager determines:

(1) An applicant is a minor;

(2) An applicant or an applicant's spouse is overdue in payment to the County of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or the applicant's spouse in relation to a sexually oriented business;

(3) An applicant has failed to provide information reasonably necessary for issuance of the license, in which case the 30-day deadline for issuing the license shall not apply, or the applicant has falsely answered a question or request for information on the application form;

(4) An applicant, an applicant's spouse, or a designated operator has been convicted of a violation of a provision of this Ordinance within two years immediately preceding the application;

(5) Any fee required by this Ordinance has not been paid;

(6) An applicant has been operating the proposed business as a sexually oriented business without a valid license issued under this Ordinance;

(7) Operation of the proposed sexually oriented business would violate the County's zoning ordinances; or

(8) An applicant, an applicant's spouse, or a designated operator has been convicted of any of the following New Mexico crimes or comparable crimes in New Mexico or in any other jurisdiction:

(A) Prostitution;

(B) Promoting Prostitution;

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(C) Accepting Earnings of a Prostitute;

(D) Patronizing prostitutes;

(E) Sexual exploitation of children;

(F) Sexual exploitation of children by prostitution;

(G) Prostitution; loitering; promoting;

(H) Criminal sexual penetration;

(I) Criminal sexual contact;

(J) Criminal sexual contact of a minor;

(K) Criminal sexual communication with a child;

(L) Indecent exposure;

(M) Aggravated indecent exposure;

(N) Retail display of printed material easily accessible by minors; or

(O) Incest.

(P) Trafficking in Persons as defined by any state or federal law.

(9) Subsection 8 shall only apply if:

(A) Less than two years has elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is for a misdemeanor offense;

(B) Less than five years has elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is for a felony offense; or

(C) Less than five years has elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period.

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(b) The County Manager is authorized to conduct such records background check on any applicant as is permitted by law. The actual cost of any such background check shall be charged to the applicant.

(c) The County Manager, upon approving issuance of a sexually oriented business license, shall send to the applicant, by certified mail, return receipt requested, written notice of that action and state where the applicant must pay the license fee and obtain the license. The County Manager approval of the issuance of a license does not authorize the applicant to operate a sexually oriented business until the applicant has paid all fees required by this Ordinance and obtained possession of the license.

(d) The license, if granted, must state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The license must be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

Sec. 14-406. Fees.

There shall be a reasonable annual fee for a sexually oriented business license to cover the cost of inspections and license approval. The fee shall be a uniform amount for all sexually oriented businesses determined by the County Manager that is based upon the annual cost to administer the program including inspections and license approvals.

Sec. 14-407. Inspection.

An applicant, licensee, operator, or employee shall permit representatives of County Departments, including, but not limited to, the Sheriff's Office, the Fire Department, the Zoning, Building and Planning Department and the Environmental Health Department, to inspect the premises of a sexually oriented business, for the purpose of ensuring compliance with the law, at any time it is occupied or open for business and at other reasonable times upon request.

Sec. 14-408. Identification Records. [Deleted by floor amendment]

Sec. 14-409. Expiration of License.

Each license expires one year from the date of issuance. A license may be renewed only by making application as provided in this Ordinance. Application for renewal should be made at least 30 days before the expiration date, and when made less than 30 days before the expiration date, the expiration of the license will not be affected by the pendency of the application.

Sec. 14-410. Suspension.

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The County Manager shall suspend a license for a period not to exceed 30 days if the County Manager determines that a licensee, an operator, or an employee has violated or is not in compliance with Sections 14-404(g), 14-415, or 14-416 of this Ordinance.

Sec. 14-411. Revocation.

(a) The County Manager shall revoke a license if a cause of suspension in Section 10 occurs and the license has been suspended within the preceding 12 months.

(b) The County Manager shall revoke a license if the County Manager determines one or more of the following has occurred:

(1) A licensee gave false or misleading information in the material submitted to the County Manager during the application process;

(2) A licensee or an operator has knowingly allowed possession, use, or sale of controlled substances on the premises;

(3) A licensee or an operator has knowingly allowed prostitution on the premises;

(4) A licensee or an operator knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended;

(5) A licensee or designated operator has been convicted of an offense listed in Section 14-405(a)(8) for which the time period required in Section 14-405(a)(9) has not elapsed.

(6) On two or more occasions within a 12- month period, a person or persons committed an offense occurring in or on the sexually oriented business premises of a crime listed in Section 14-405(a)(8), which resulted in a conviction, and the person or persons were employees of the licensee or the sexually oriented business at the time the offenses were committed.

(7) A licensee or an operator has knowingly allowed any sex act, including but not limited to, sexual intercourse, sodomy, oral copulation or masturbation to occur in or on the sexually oriented business premises.

(8) A licensee or an operator has violated Section 14-416 or -417 of this Ordinance.

(c) The fact that a conviction is being appealed has no effect on the revocation of the license. Upon reversal of a conviction, the applicant may reapply for a license.

(d) When the County Manager revokes a license, the revocation will continue for one year, and the licensee, for one year after the date the revocation becomes effective, shall not be issued a sexually oriented business license for the same location for which the license was revoked. If,

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subsequent to revocation, the County Manager finds that the basis for the revocation has been corrected or abated, the applicant may apply for and be granted a license if at least 90 days have elapsed since the date the revocation became effective. If the license was revoked under Subsection (b)(5), an applicant may not apply for or be granted another license until the appropriate number of years required under Section 14-405(a)(9) has elapsed.

Sec. 14-412. Denial, Suspension, Revocation, or Denial of Renewal of a License for Criminal Convictions.

(a) In determining whether a sexually oriented business license should be denied, suspended, revoked, or denied for renewal based on criminal convictions of an applicant or licensee of a sexually oriented business, or on convictions of an operator or employee of the applicant, the licensee, or the sexually oriented business, all convictions for offenses occurring within a designated time period will be counted, regardless of whether the offenses occurred during the current license period, a prior license period, or an unlicensed period.

(b) Notwithstanding Subsection (a), a conviction for an offense committed during a prior license period or an unlicensed period will not be counted against a current applicant or licensee of a sexually oriented business if no person who is deemed a current applicant or licensee was an applicant, licensee, owner, or operator of the sexually oriented business during the prior license period or unlicensed period in which the offense was committed.

Sec. 14-413. Notice of Denial of Issuance or Renewal of License or Suspension or Revocation of License; Surrender of License.

(a) If the County Manager denies the issuance or renewal of a sexually oriented business license or suspends or revokes a sexually oriented business license, the County Manager shall deliver to the applicant or licensee, either by hand delivery or by certified mail, return receipt requested, written notice of the action, the basis of the action, and a notice of the right to an appeal.

(b) If the County Manager suspends or revokes a license or denies renewal of a license that was valid on the date the application for renewal was submitted, the County Manager may not enforce such action before the 11th day after the date the written notice required by Subsection (a) is delivered to the applicant or licensee.

(c) After suspension or revocation of a license or denial of renewal of a license that was valid on the date the application for renewal was submitted, the applicant or licensee shall discontinue operating the sexually oriented business and surrender the license to the County Manager by 11:59 p.m. of the 10th day after the date:

(1) Notice required by Subsection (a) is delivered to the applicant or licensee, if no appeal is filed; or

(2) A final appellate decision is issued by a hearing officer upholding the action of the County Manager.

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(d) For purposes of this Ordinance, written notice is deemed to be delivered:

(1) On the date the notice is hand delivered to the applicant or licensee; or

(2) Three days after the date the notice is placed in the United States mail with proper postage and properly addressed to the applicant or licensee at the address provided for the applicant or licensee in the most recent license application.

Sec. 14-414. Appeal.

(a) Upon delivery of written notice of the denial, suspension, or revocation of a sexually oriented business license the applicant or licensee whose application for a license or license renewal has been denied or whose license has been suspended or revoked has the right to appeal.

(b) An appeal shall be heard by a hearing officer under the authority of the County Manager or his designee. The burden of proof shall be on the County to show that denial, suspension, or revocation is proper.

(c) The filing of an appeal under this section stays the action of the County Manager in suspending or revoking a license, or in denying renewal of a license that was valid on the date the application for renewal was submitted, until a final decision is made by the hearing officer.

(d) The decision of the hearing officer is final and may be appealed to a court of competent jurisdiction.

Sec. 14-415. Posting Requirement.

(a) Each sexually oriented business shall post in every bathroom and dressing room of the business a notice no smaller than 8-1/2 inches by 11 inches. Such notices will be available from the County and provided at the time of licensing and license renewal, and shall state: 'If you or someone you know is being forced to engage in any activity and cannot leave - whether it is commercial sex, housework, farm work, or any other activity - call the National Human Trafficking Resource Center Hotline at 1-888-373-7888 to access help and services. Victims of human trafficking are protected under the laws of the United States and New Mexico. The hotline is available 24 Hours a day, 7 days a week; toll-free; operated by a non-profit, non-governmental organization; anonymous and confidential; accessible in 170 languages, and able to provide help, referral to services, training, and general information.'

(b) Such notice shall be printed in English and Spanish. Additional languages may be included as determined by the County.

CONTINUATION PAGE 12: ORDINANCE NO. _____
AN ORDINANCE UNDER CHAPTER 14, DIVISION 2, ARTICLE IX OF THE
BERNALILLO COUNTY CODE REGULATING THE OPERATION OF SEXUALLY
ORIENTED BUSINESSES.

(c) It is the responsibility of the operator of the sexually oriented business to have the notice properly posted at all times. If a notice is damaged or removed, the operator shall cause the notice to be replaced immediately.

Sec. 14-416. Regulations for Adult Amusement Establishments, Cabaret, and VIP Rooms.

(a) An adult amusement establishment may not contain any VIP rooms, except that any VIP room contained in a lawfully operating adult amusement establishment on the date this ordinance is adopted may continue to operate for one year before modifying the portions of their operation that are not in compliance with this ordinance.

(b) A licensee or an operator of an adult amusement establishment commits an offense if he knowingly employs, or contracts with, a person who has been convicted of an offense listed in Section 5(a)(8) for which the time period required in Section 5(a)(9) has not elapsed.

(c) Except for a restroom or an area of which the entire interior is clearly and completely visible from the exterior of the area, no area of an adult amusement establishment that is accessible to a customer may be separated from any other customer-accessible area by a door, wall, curtain, drape, partition, or room divider of any kind. Nothing in this subsection precludes the installation or maintenance of any wall or column that is essential to the structural integrity of the building. Any adult amusement establishment lawfully operating on the date this Ordinance is adopted must comply with the requirements of this subsection not later than one year from the date this Ordinance is adopted.

(d) A licensee, an operator, or an employee of an adult amusement establishment commits an offense if he permits any customer access to an area of the premises:

(1) Not visible from the manager's station or not visible by a walk-through of the premises without entering a closed area, excluding a restroom; or

(2) Not regularly open to all customers of the business.

(e) Adult entertainment must occur only in an open and visible area, and in the presence of, and be visually observable by, an employee who is not an adult cabaret entertainer. A licensee or operator commits an offense if he knowingly allows adult entertainment to be performed in violation of this subsection.

(f) The purpose of Subsections (b), (c), (d), and (e) of this section is to reduce the opportunity for unlawful activity such as indecent exposure, solicitation for prostitution, and prostitution that occurs in VIP rooms and other areas of adult amusement establishments that are not open to the view of management personnel, law enforcement officers, and customers. By prohibiting VIP rooms and requiring adult entertainment to be performed in more open and visible surroundings,

CONTINUATION PAGE 13: ORDINANCE NO. _____
AN ORDINANCE UNDER CHAPTER 14, DIVISION 2, ARTICLE IX OF THE
BERNALILLO COUNTY CODE REGULATING THE OPERATION OF SEXUALLY
ORIENTED BUSINESSES.

unlawful activity will be deterred because it will be more readily observable by management personnel, law enforcement officers, and customers.

Sec. 14-417. Prohibition Against Minors in Sexually Oriented Businesses.

(a) A licensee or an operator commits an offense if he knowingly:

(1) Allows a minor to enter the interior premises of a sexually oriented business;

(2) Employs, contracts with, or otherwise engages or allows a minor to perform adult cabaret entertainment; or

(3) Employs a minor in a sexually oriented business.

(b) Knowledge on the part of the licensee or operator is presumed under paragraph (2) or (3) of Subsection (a) if identification records were not kept in accordance with the requirements of this Ordinance, and properly kept records would have informed the licensee or operator of the minor's age.

(c) An employee of a sexually oriented business commits an offense if the employee knowingly:

(1) Allows a minor to enter the interior premises of a sexually oriented business;

(2) Employs, contracts with, or otherwise engages or allows a minor to perform adult cabaret entertainment; or

(3) Employs a minor in a sexually oriented business.

Sec. 14-418. Enforcement.

(a) Whenever a person does an act that is prohibited, fails to perform an act that is required, or commits an act that is made an offense by any provision of this Ordinance, the violation is punishable as provided by § 1-6.

(b) The remedies provided for in this Ordinance are not exclusive and the County may employ any other remedy, including but not limited to equitable or injunctive relief.

Sec. 14-419. Severability Clause.

If any section, paragraph, sentence, clause, word or phrase of this Ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance. The Commission hereby

CONTINUATION PAGE 14: ORDINANCE NO. _____
AN ORDINANCE UNDER CHAPTER 14, DIVISION 2, ARTICLE IX OF THE
BERNALILLO COUNTY CODE REGULATING THE OPERATION OF SEXUALLY
ORIENTED BUSINESSES.

declares that it would have passed this Ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

DONE this ____ day of _____, 2013.

APPROVED AS TO FORM

BOARD OF COUNTY COMMISSIONERS

 Randy M. Autio, County Attorney

 Maggie Hart Stebbins, Chair

 Debbie O'Malley, Vice Chair

 Art De La Cruz, Member

ATTEST:

 Lonnie C. Talbert, Member

 Maggie Toulouse Oliver, County Clerk

 Wayne A. Johnson, Member



Board of County Commissioners (BCC)

Meeting: 03/26/13 03:00 PM

Department: DSAP
Prepared By: Renee Hayoz
Director: Katrina Hotrum
DCM:

Title: University of Health Services Center (UNMHSC) Grant for Serial Inebriate Intervention Program

Action:

Motion to:

1. Approve a four year Agreement between the County of Bernalillo and The Board of Regents of The University of New Mexico for the Sobriety Observation Program at the Department of Substance Abuse Programs (DSAP)--Metropolitan Assessment and Treatment Services (MATS) Facility. This Agreement will support the Serial Inebriate Intervention Program (SIIP).
2. Financial Resolution **FR-2013-**_____ to increase the budget in the amount of \$416,000 which will be distributed \$104,000 per fiscal year over a 4 year period for the purpose of accepting and budgeting funds from The University of New Mexico Health Sciences Center to support the Serial Inebriate Intervention Program (SIIP).
3. Authorize the County Manager to execute any future amendments to this agreement.

Summary:

Staff requests approval of this Agreement between the County of Bernalillo and The Board or Regents of The University of New Mexico Health Sciences Center (UNMHSC) that will support the Serial Inebriate Intervention Program (SIIP) at the Department of Substance Abuse Programs (DSAP)--Metropolitan Assessment and Treatment Services (MATS) Facility. The purpose of this program is to relieve congestion in UNM Hospital's Emergency Room and Psychiatric Emergency Services and reduce the number of bookings at the Metropolitan Detention Center (MDC) by providing stabilization, observation, and placement support services to public inebriates in Bernalillo County. DSAP has partnered with the Albuquerque Police Department and the Albuquerque Fire Department to identify inebriates in the community and offer voluntary transportation to the SIIP program. This programming will establish a sober location for intoxicated individuals delivered via medical transport or law enforcement and will help eliminate deliveries of inebriates to the University of New Mexico Hospital (UNMH) or to the Metropolitan Detention Center (MDC).

Attachments:

- SIIP MOU (PDF)
- Financial Analysis Form SIIP-revised (XLSX)
- Financial Resolution (SIIP) (DOCX)

Staff Analysis Summary:

Budget Shirley Ragin Completed 03/21/2013 3:32 PM

Reviewed and approved. SMR 3/21/2013

Risk Management Tiffany Chamblee Completed 03/21/2013 3:49 PM

2687: Risk Management has reviewed the motion to approve a grant in the amount of \$104,000 per FY for four (4) years totally \$416,000.00 from the University of New Mexico (UNM) to support the Serial Inebriate Intervention Program (SIIP) at the Metropolitan Assessment and Treatment Services (MATS) Facility. Liability exposures are within the scope of current DSAP operations. Joe Crelier, Risk Management Director 3/21/13.

Purchasing Natara Landrau Completed 03/21/2013 4:16 PM

No comment required, however proper Purchasing procedures will be followed for any and all related procurements. Natara Landrau, Senior Buyer, 03/21/2013.

Legal Randy Autio Completed 03/21/2013 4:45 PM

approved s to legal form.

Deputy County Managers Teresa Byrd Completed 03/21/2013 4:51 PM

If grant funding is approved, the budget will be included in the County's grant fund for FY14.

This funding provides important services to Bernalillo County residents. I recommend approval.

Teresa Byrd

Deputy County Managers Tom Swisstack Completed 03/21/2013 5:49 PM

Recommend board approval. This program is an intervention program that provides an option for intoxicated individual. This will help divert individuals from mdc and the emergency rooms at the University of NM Hospital.

County Manager Tom Zdunek Completed 03/22/2013 8:07 AM

I recommend Board acceptance of this grant funding. T.Z. 03/22/13

Board of County Commissioners Yvette Chavez Pending

**AGREEMENT BETWEEN THE COUNTY OF BERNALILLO AND THE
BOARD OF REGENTS OF THE UNIVERSITY OF NEW MEXICO
FOR
SOBRIETY OBSERVATION PROGRAM
AT THE
DEPARTMENT OF SUBSTANCE ABUSE PROGRAMS (DSAP)
METROPOLITAN ASSESSMENT AND TREATMENT SERVICES
(MATS) FACILITY**

THIS AGREEMENT is made and entered into this 13 day of December, 2012, by and between the County of Bernalillo, a political subdivision of the State of New Mexico (the "County") and the Board of Regents of the University of New Mexico, for its public operation known as the UNM Health Sciences Center, specifically UNM Hospitals ("UNM HSC").

WHEREAS, UNM HSC is challenged with overcrowded Emergency Room patients that are in need of detoxifications services due to alcohol abuse and/or individuals experiencing withdrawal symptoms related to substance abuse addiction at both UNM Hospital and its Psychiatric Emergency Services Emergency Room ("PES"); and

WHEREAS, the County operates the Department of Substance Abuse Programs (DSAP) at the Metropolitan Assessment and Treatment Services Facility ("MATS"); and

WHEREAS, the County and the UNM HSC believe that the Sobriety Observation Program ("SOP") will relieve Emergency Room congestion by providing observation, stabilization and referral services to public inebriates and substance abuse withdrawal clients at the MATS facility; and

WHEREAS, it is the desire of UNM HSC to provide a grant to the County to enable the County to provide observation, stabilizations and referral services to public inebriates and substance abuse addicts at the DSAP MATS facility; and

NOW THEREFORE, for and in consideration of the premises and other good and valuable consideration, it is agreed between the parties hereto as follows:

I. SERVICES AND RESPONSIBILITIES:

- A. DSAP/MATS will be a referral source for UNM HSC for patients that are in need of observation and stabilization due to alcohol and substance abuse related needs.
- B. UNM HSC will contact the MATS facility for client transport from the Emergency Room if;
 - 1. Primary diagnosis is intoxication or substance abuse addiction withdrawal.
 - 2. The person can walk or use their assistive devices (i.e. walking cane or wheelchair without assistance).
 - 3. The person is able to use the toilet, eat and drink independently.
 - 4. If the person is experiencing suicidal ideations they can be transported to the

- MATS facility as long as the person does not have an actual plan for self harm.
5. The person does not have active wounds, signs of head trauma or other acute trauma beyond simple skin abrasions.
 6. The person is not actively seizing.
 7. The patient accepts to be transported to the MATS facility by MATS staff.
- C. Clients will be fed and hydrated during their stay.
- D. Clients will be offered medically managed detoxification services at the MATS facility.
- E. Clients transported from UNM HSC will have at least 24 hours worth of their prescribed medications (i.e. seizure medication, Librium, insulin, etc.) if the client is being sent to MATS after 8 pm or before 8 am when medical services are not available to MATS staff through the Medical Observation Treatment Unit (MOTU).
- F. Clients who choose not to remain at MATS for detoxification services but stay through the night will be offered safe transport to a pre-determined public location.
- G. DSAP/MATS will provide UNM HSC transport services to their patients 7 days a week 24 hours a day unless unforeseen staff shortages prevent DSAP/MATS from sending a staff member on transport.
- H. DSAP/MATS will provide UNM HSC a weekly report the includes the total number of clients admitted at the MATS facility, total number of transports by DSAP/MATS and the number of clients that identified UNM HSC as their hospital of choice.

II. GRANT AWARD:

In connection with the programs and services contemplated under this Agreement, UNM HSC agrees to fund the sum of \$104,000.00 per year to the County for a period of four (4) fiscal years, commencing in Fiscal Year 2013 or at the execution date of this agreement for the first year. Full payment is due to DSAP MATS within 30 days of receipt of invoice. This agreement may be renewed for one additional four (4) year term not to exceed eight (8) years in duration.

III. TERMINATION:

Either party may terminate this agreement at anytime without cause by giving the other party one hundred twenty (120) days notice in writing.

IV. EFFECTIVE DATE:

This Agreement will be effective upon the date of the last signature to this Agreement.

V. LIABILITY AND INSURANCE:

- A. As between the parties, each party acknowledges that it will be responsible for claims or damages arising from personal injury or damage to persons or property to the extent they result from negligence of that party's employees in providing services as contemplated under this Agreement. The County understands, acknowledges and agrees that nothing contained in this Agreement, express or implied, shall constitute an agreement by UNM HSC to indemnify the County. The liability of UNM HSC will be subject in all cases to the immunities and limitations of the New Mexico Tort Claims Act, Sections 41-4-1 *et seq.* NMSA 1978, as amended.
- B. UNM HSC has general and professional liability coverage through the New Mexico Risk Management Division as set forth in the New Mexico Tort Claims Act.

VII. MISCELLANEOUS:

- A. This Agreement represents the entire understanding between the parties and supersedes any prior agreements or understandings with respect to the subject matter of this Agreement.
- B. The waiver by either party of a breach or violation of any provision of this Agreement will not operate as or be construed as a waiver of any subsequent breach of this Agreement.
- C. No changes, amendments or alterations to this Agreement will be effective unless in writing and signed by both parties.
- D. DSAP/MATS reserves the right to subcontract with the Albuquerque Police Department to help support client transports and police officer overtime costs not to exceed 50% of the grant amount.
- E. This Agreement will be construed, interpreted, governed and enforced in accordance with the statutes, judicial decisions, and other laws of the State of New Mexico.
- F. The invalidity or unenforceability of any term or provision of this Agreement will in no way affect the validity or enforceability of any other term or provision to the extent permitted by law.
- G. Headings and captions used in this Agreement are for convenience and ease of reference only and will not be used to construe, interpret, expand or limit the terms, conditions, or other provisions of this Agreement.

- H. Both UNM HSC and the County will maintain detailed records indicating the date, time and nature of services provided under this Agreement for a period of at least five years after termination of this Agreement, and will allow access for inspection by the County, the Secretary for Health and Human Services, the Comptroller General and the Inspector General to such records for the purpose of verifying costs associated with provision of services under this Agreement.
- I. The parties and their respective employees are at all times acting as independent contractors to each other. UNM HSC and its employees will not be considered employees of the County for any purpose, including, but not limited to, workers' compensation, insurance, bonding or any other benefits afforded to employees of the County. The County and its employees will not be considered employees of UNM HSC for any purpose, including, but limited to, workers' compensation, insurance, bonding, or any other benefits afforded to employees of UNM HSC. Neither party has any express or implied authority to assume or create any obligation or responsibility on behalf of or in the name of the other party.
- J. The parties agree that, to the extent compatible with the separate and independent management of each, they will maintain effective liaison and close cooperation. If a dispute arises related to the obligations or performance of either party under this Agreement, representatives of the parties will meet in good faith to resolve the dispute.
- K. The confidentiality of patients' medical records will be maintained by the parties in accordance with applicable federal and state laws and regulations.
- L. Nothing in this Agreement, express or implied, is intended to confer any rights, remedies, claims, or interests upon a person not a party to this Agreement.
- M. Each party represents that neither it, nor any of its management or any other employees or independent contractors who will have any involvement in the services or products supplied under this Agreement, have been excluded from participation in any government healthcare program, debarred from or under any other federal program (including but not limited to debarment under the Generic Drug Enforcement Act), or convicted of any offense defined in 42 U.S.C. § 1320a-7, and that it, its employees, and independent contractors are not otherwise ineligible for participation in federal healthcare programs. Further, each party represents that it is not aware of any such pending action(s) (including criminal actions) against it or its employees or independent contractors. Each party shall notify the other party immediately upon becoming aware of any pending or final action in any of these areas.
- N. This Agreement is binding upon, and inures to the benefit of, the parties to this Agreement and their respective successors and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their duly authorized representatives.

COUNTY OF BERNALILLO

By: _____
Its: County Manager

Dated: _____

APPROVED AS TO FORM:

County Attorney

**REGENTS OF THE UNIVERSITY OF NEW MEXICO, for
The UNM Health Sciences Center**

By: Stephen McKernan
Stephen McKernan, CEO, UNM Hospitals
and UNM Health System Chief Operations
Officer

Dated: 1/16/2013

Attachment: SIIP MOU (2687 : Serial Inebriate Intervention Program (SIIP))



FINANCIAL ANALYSIS FORM

SECTION 1: GENERAL INFORMATION

| | |
|---|--|
| Date: | March 26, 2013 |
| Action Item Title: | Serial Inebriate Intervention Program |
| Department: | Substance Abuse Programs |
| Form Prepared By: (Name, Title & Phone Number) | Fran Martinez Romero - Budget and Grant Manager 505-468-1551 |
| Form Reviewed By: (Budget Office Staff Name & Title) | Mario Ruiz, Financial Services Administrator II |
| (1 thru 5 or all) BCC District: | ALL |

SECTION 2: PROJECT OVERVIEW

Approval of a grant agreement between the University of New Mexico Health Sciences Center (UNMHSC) and the Department of Substance Abuse Programs (DSAP) to provide a Serial Inebriate Intervention Program (SIIP) specifically intended to address the alcohol abuse problem of adults within Bernalillo County.

SECTION 3: FUNDING SOURCE AND/OR REVENUE IMPACT

| Funding Source | NEW | EXISTING | FY14 | FY15 | FY16 | FY17 | FY17 | TOTALS |
|-------------------------|-----|----------|---------|---------|---------|---------|------|------------|
| RECURRING | | | | | | | | \$ - |
| UNM HSC | X | | 104,000 | 104,000 | 104,000 | 104,000 | - | \$ 416,000 |
| | | | - | - | - | - | - | \$ - |
| SUB-TOTAL RECURRING | | | 104,000 | 104,000 | 104,000 | 104,000 | - | \$ 416,000 |
| NON-RECURRING | | | | | | | | |
| | | | - | - | - | - | - | \$ - |
| | | | - | - | - | - | - | \$ - |
| SUB-TOTAL NON-RECURRING | | | - | - | - | - | - | \$ - |
| Total Revenues | | | 104,000 | 104,000 | 104,000 | 104,000 | - | \$ 416,000 |

*New = New Funding Request/Not Currently Budgeted OR
Existing = Funding Exists in the Budget

TOTAL REVENUES \$ 416,000

SECTION 4: EXPENDITURE & STAFF IMPACT

| Expenditure Description | NEW | EXISTING | FY14 | FY15 | FY16 | FY17 | FY | TOTALS |
|-------------------------------------|-----|----------|---------|---------|---------|---------|----|------------|
| RECURRING | | | | | | | | |
| Contractual Services-Transportation | X | | 50,000 | 50,000 | 50,000 | 50,000 | - | \$ 200,000 |
| Operating Costs-Supplies, & Food | X | | 54,000 | 54,000 | 54,000 | 54,000 | - | \$ 216,000 |
| SUB-TOTAL RECURRING | | | 104,000 | 104,000 | 104,000 | 104,000 | - | \$ 416,000 |
| NON-RECURRING | | | | | | | | |
| | | | - | - | - | - | - | \$ - |
| | | | - | - | - | - | - | \$ - |
| SUB-TOTAL NON-RECURRING | | | - | - | - | - | - | \$ - |
| Sub-total Operating Expenditures | | | 104,000 | 104,000 | 104,000 | 104,000 | - | \$ 416,000 |

*New = New Funding Request/Not Currently Budgeted OR
Existing = Funding Exists in the Budget

| Staff Position Title | Status* | New | Existing | FY | FY | FY | FY | FY | TOTALS |
|-----------------------------------|---------|-----|----------|----|----|----|----|----|--------|
| N/A | | | | - | - | - | - | - | \$ - |
| | | | | - | - | - | - | - | \$ - |
| Sub-total Staff Cost Expenditures | | | | - | - | - | - | - | \$ - |

*Status of Position enter FT = Full-Time Equivalent, PT = Part-Time FTE, T = Term

TOTAL EXPENDITURES

TOTAL EXPENDITURES \$ 416,000

Attachment: Financial Analysis Form SIIP-revised (2687 : Serial Inebriate Intervention Program (SIIP))



FINANCIAL ANALYSIS FORM

SECTION 5: NARRATIVE

FISCAL IMPLICATIONS

Historical Information and Existing Funding (include match and in-kind funding) - In FY13, DSAP started to work on creating a partnership with the UNMHSC to provide a Serial Inebriate Intervention Program specifically intended to address the alcohol abuse problem of adults within Bernalillo County. The partnership would allow UNMHSC to work in conjunction with the SIIP at the Metropolitan Assessment and Treatment Services (MATs) Facility. Request for this funding is new in FY13 and no match or in-kind funding is required.

Current Impact of Proposed Action - Approval of grant agreement will allow DSAP to receive \$104,000 in grant revenue annually for a total of 4 years providing a grand total of \$416,000 for SIIP. As a result, \$50,000 will be contracted out for transportation services and \$54,000 will be utilized for operating costs related to the Serial Inebriate Intervention Program. The funding will allow for programming of a sober location for intoxicated individuals delivered via medical transport or law enforcement in an effort to eliminate deliveries to the UNMHSC and / or the Metropolitan Detention Center (MDC).

Future Implications - The length of the grant agreement is (4) years and DSAP can expect to receive \$104,000 annually from the UNMHSC until FY16 to operate the SIIP. The grant can be renewed for an additional 4 years.

OTHER SIGNIFICANT ISSUES

Departmental Impacts - The program services began at the beginning of FY13 prior to the receipt of any funding or grant. This was possible due to leveraging funds from the Detox Program which included program staff, food and program supplies. The Detox Program will not be paid back for these expenses since the budget expended will fall into a different fiscal year, however, future needs for the SIIP will be expensed from the revenue received from UNMHSC for operating costs. The implementation of the program began as a pilot for weekends with current staff, food and care of resident items. Since the stay for these clients is less than 24 hours, the need for items and expenses is limited. Once funding for SIIP is secured, the Detox Program will no longer support the SIIP.

Countywide Impacts - DSAP staff will be utilized to manage grant and report as required per grant agreement. Other departments impacted are Purchasing for contract execution and Accounts Payable for invoice processing. Current staffing at MATs is currently sufficient for operating SIIP since the stay for these clients is less than 24 hours.

Other - The project has approximately 360 admissions per year. The program allows for local hospitals and law enforcement agencies to refer inebriated individuals to our program rather than to local hospitals, alleviating unnecessary visits in the emergency rooms and to local jails which results in over populating the jail.

JUSTIFICATION

Mandated - DSAP is not mandated to provide these services however due to the partnership with UNMHSC, the funding will assist in reducing the jail population, the incidence of DWI and alcoholism and ultimately, the unnecessary overcrowding of inebriates in the local emergency rooms.

Program Relevance - It is the overall goal of the Public Safety Division to reduce the incidence of DWI, DWI related crashes and fatalities and substance abuse in the community. The funding will allow for treatment and help of individuals dealing with alcohol related problems.

Other Measures -

ALTERNATIVES

Not approving the grant agreement will lead to loss of funding for SIIP and make DSAP to continue to leverage from the Detox Program. The Detox Program could be impacted negatively due to increased clients and increased costs during peak hours of the SIIP.

BUDGET / FINANCE RECOMMENDATION

Budget recommends approval of Serial Inebriate Intervention Program grant agreement with UNMHSC.

BERNALILLO COUNTY
FINANCIAL RESOLUTION NO. _____

To request the following BUDGET INCREASE in the amount of \$416,000 which will be distributed \$104,000 per fiscal year over a 4 year period for the purpose of accepting and budgeting funds from The University of New Mexico Health Sciences Center to support Serial Inebriate Intervention Program (SIIP) specifically intended to address alcohol abuse problems of adults within Bernalillo County through the SIIP at the Metropolitan Assessment and Treatment Services (MATS) Facility. The funding will allow for programming of a sober location for intoxicated individuals delivered via medical transport or law enforcement in an effort to eliminate deliveries to the University of New Mexico Health Sciences and / or the Metropolitan Detention Center.

WHEREAS, at a regular meeting of the BOARD OF COUNTY COMMISSIONERS OF BERNALILLO COUNTY, held on March 26, 2013, the following was among the proceedings:

| <u>Source:</u> | <u>Amount</u> |
|--|------------------|
| UNMHSC | |
| 12901 – 465010 – 460201 SAG.2014.UNM.SIIP | \$416,000 |
| TOTAL SOURCES | \$416,000 |
| | |
| <u>Expenditure:</u> | |
| SIIP | |
| 12901 – 565050 – 460201 SAG.2014.UNM.SIIP | \$416,000 |
| TOTAL EXPENDITURES | \$416,000 |

WHEREAS, the above budget increase is necessary, and funds are available from the above stated source. WHEREAS, after approval from the Department of Finance and

Page 2
Resolution # _____

Administration, Local Government Division, the above action shall be taken and all necessary adjustments shall be made.

NOW, THEREFORE, be it resolved by the Board of County Commissioners, the governing body of the County of Bernalillo that this budget increase having been duly heard is hereby adopted this 26th day of March, 2013.

BOARD OF COUNTY COMMISSIONERS

Maggie Hart Stebbins, Chair

Debbie O'Malley, Vice Chair

Art De La Cruz, Member

Lonnie C. Talbert, Member

Wayne A. Johnson, Member

REVIEWED BY:

Teresa Byrd, Deputy County Manager

Date: _____

ATTEST:

Maggie Toulouse Oliver, County Clerk

Date: _____

Attachment: Financial Resolution (SIIP) (2687 : Serial Inebriate Intervention Program (SIIP))



Board of County Commissioners (BCC)

Meeting: 03/26/13 03:00 PM

Department: County Manager
 Prepared By: Connie Gilman
 Director: Tom Zdunek
 DCM:
 Sponsors: Hart Stebbins

Title: Joint Air Quality Control Board Appointment

Action:

Motion to approve the appointments of Mr. Robert A Goldstein, and Jens W. Deichmann to the Joint Air Quality Board.

Summary:

The Board of County Commissioners in March 1994 adopted Bernalillo County Code, Section 30-32, creating the Joint Air Quality Control Board, establishing board membership, procedural requirements and responsibilities. The Board shall administer and enforce the Air Quality Control Act and any regulations relating to air pollution applicable within Albuquerque and Bernalillo County. The Board, in accordance with the Air Quality Control Act, shall prevent or abate air pollution within the City of Albuquerque and County of Bernalillo. Powers of the Board are referenced in Ordinance No. 303, Section 4.

Chair Hart Stebbins requests the appointment of Robert A Goldstein, M.D. to the Air Quality Control Board. He was previously employed by ABQ Health Partners, from 2008-2010, prior to that was Lovelace Clinic/Lovelace Health Systems, from 1977-2008. This term is for three years ending March 12, 2016.

Chair Hart Stebbins requests the appointment of Jens W. Deichmann to the Air Quality Control Board. Mr. Deichmanns currently works at New Mexico Copper Corporation from 2011 - present. Prior to this he worked at Parametrix from 2009-2011. This term is for three years ending March 12, 2016.

Attachments:

- Jens Deichmann resume 1-3-13 Air Quality Board (DOCX)
- Robert Goldstein Resume Mar 2013 Air Quality Control Board (PDF)

Staff Analysis Summary:

Board of County Commissioners Yvette Chavez Pending

JENS W. DEICHMANN

EDUCATION

Ph.D. Candidate. Prescott College. Focus of study is comparative governance of resource commons. Expected completion 2013

Master of Business Administration, University of New Mexico, 1995

MS, Biology (Plant Ecology), University of New Mexico, 1978 (Thesis: Natural Plant Succession on Unreclaimed Coal Mine Spoils in Northwestern New Mexico)

BS, Biology (Chemistry minor), University of New Mexico, 1975

EXPERIENCE SUMMARY

Jens has more than 30 years of professional experience in business management and providing technical expertise in a variety of diverse and challenging environments. His experience includes work in the areas of mining, agriculture, oil and gas, hydrogeology, hazardous waste investigations and remediation, land reclamation, and electric utilities.

PROFESSIONAL EXPERIENCE

- **New Mexico Copper Corporation.** Project Manager. Responsible for permitting efforts and public and governmental affairs for a 25,000 tpd sulfide ore copper mine in south-central New Mexico. Permitting includes all federal and state regulatory programs as well as the NEPA process of evaluating the environmental impacts of the project. Additional responsibilities include working with the corporate board and the public to identify opportunities for incorporating sustainability principles in mining practices and meet needs for building social capital in surrounding communities. (2011 – present)
- **Parametrix.** Director, Natural Resources Division. Project manager on a range of assignments including Cochiti Lake and Rio Grande sediment sampling and analyses, water quality monitoring, alternative energy, and mining projects. Responsible for staff development and financial management (2009 – 2011)
- **URS Corporation.** As Vice President and Office Manager, Jens led the offices in Albuquerque, Los Alamos, and Las Cruces of 100 engineering and environmental science professionals engaged in projects ranging from transportation and water utility infrastructure, to mining reclamation and closeout, environmental assessments, and security engineering. Responsible for financial and market growth of the offices. Negotiated resolution of large design-build project dispute. Developed and implemented successful efforts to build leadership skills of staff and managers. Through a long-term process of nurturing a systems approach to understanding our business and the markets within which we operated, we achieved our annual business goals while developing an organization that integrated the core values and various professional disciplines in our three offices. (2002 – 2008)
- **University of New Mexico Graduate School of Management.** As Instructor, he has taught a graduate seminar on Environmental Sustainability and Business which includes an exploration of sustainable business practices, natural resource management issues, land-use, and environmental protection as they relate to business management. Fundamental concepts that underpin the course include complexity and systems theories as well as hydrologic and materials cycles, thermodynamics, and energy policies. MBA students are introduced to historical and current environmental challenges and the scientific basis of some of today's important business and societal issues. (2002 - present)
- **New Mexico State Land Office.** As Assistant Land Commissioner and Director of Field Operations Division, Jens directed the central office and 13 district offices that provide field and technical support to Land Office agricultural, oil and gas, and commercial leasing divisions on 13 million acres of state trust land. He led efforts to restore the State Land segment of the Santa Fe River to improve hydrologic and recreational functions. He worked with his staff and constituents to develop programs and led technical staff efforts to improve functioning and management of state trust land riparian areas and grazing lands. He initiated a program to identify and begin reclamation of trust lands that had been adversely affected by historic oil and gas activities in southeastern New Mexico and developed improved communications and working relationship with the NM Oil Conservation Division. As Assistant Commissioner, Jens worked on policy issues related to management and use of groundwater on state trust lands and chaired the state-wide task force on construction materials mining reclamation. He worked closely with his legal counsel to author a report of task force findings to the Interim State Legislative Committee on Water and Natural Resources with recommended legislation. He directed land exchange negotiations with BLM, City of Albuquerque, and private entities, and lease negotiations with the Department of Energy. He testified before legislative committees in support of Commissioner's legislative initiatives and drove the completion schedule in the final year of Commissioner's term to complete priority projects, including the development lease of Mesa del Sol. (1997 to 2002)

- **Resource Sciences Group, Inc.** As President and owner, provided consultation and support to electric utility and mining industry clients in projects that included negotiations for a large water supply contract renewal with the Bureau of Reclamation (USBOR) and the Navajo Nation Water Resources Department, and authoring a draft Environmental Assessment as a third party contractor to the USBOR that included assessment of the critical issues of Indian trust assets; multiple water rights claims including priority, adjudicated and Winters Doctrine rights; and endangered species consultation and mitigation. (1994 to 1997)
- **PRC Environmental Management, Inc.** As Manager of New Mexico Operations/Manager of European Operations, Jens was responsible for establishing the company's New Mexico business operations, its strategic and operating plans, financial growth, and professional development of its staff. Worked in areas of environmental remediation at Department of Energy/Sandia Labs, Department of Defense, and Superfund sites. He was also responsible for identifying and developing opportunities in the emergent Central and Eastern European (CEE) environmental market. He evaluated needs and business opportunities in six CEE countries and established a limited liability company in Prague, Czech Republic where he won and executed a contract with the Czech Ministry of Environment for the cleanup of groundwater and contaminated soil at two former Soviet military bases. (1989 to 1994)
- **Camp Dresser & McKee, Inc.** As Manager of the Hazardous Waste Investigation Unit, Jens managed EPA-contract Superfund investigations. He subsequently served as the Albuquerque Operations Manager. While in that position, he co-authored a report and recommendations on the regulation by state mining programs of non-fuel mining wastes, which was included in the Second Report to Congress on Mining Wastes. He also authored a policy paper for EPA on the regulatory history and recommendations for management of Bevil (high -volume/low-toxicity) mining wastes. (1986 to 1989)
- **Hall Southwest Water Consultants.** As Marketing Manager, developed and executed strategy for entry of hydrogeology firm into emerging hazardous waste/groundwater remediation market. (1985 to 1986)
- **Chaco Energy Company/Texas Utilities Co.** As Environmental Specialist for Chaco Energy Co., a subsidiary of Texas Utilities Co., Jens was responsible for reclamation planning and leading the development of permit applications and mining plans for South Hoshpah and Star Lake surface coal mines in the San Juan Basin of New Mexico. He negotiated plan approvals with the NM Mining and Minerals Division and Environment Division bureaus, the federal Office of Surface Mining, EPA and Army Corps of Engineers.

As Manager of Permitting for Texas Utilities Mining Co. he coordinated engineering, environmental design, and planning documents for facility permits and approvals for seven operating and planned lignite mines in Texas. In his capacity, he worked closely with mine engineers to educate them on environmental standards and ensure that all facilities met regulatory requirements. He planned and managed comprehensive environmental and archaeological studies for all new and expansion plans, and worked with regulatory agencies to refine review and approval processes. He negotiated permit and construction approvals with the Texas Railroad Commission as well as other federal and state agencies. (1978 to 1985)

PROFESSIONAL DEVELOPMENT

Presentation on Dissertation Proposal to study resilience of governance structures in the Middle Rio Grande Basin. PhD Colloquium, Prescott College, May, 2011
 Presentation on Traditional Irrigation and Water Management. Lessons in management of the commons. Second Annual Sustainability Education Symposium, Prescott College, May, 2010
 Collaborative Adaptive Management Network (CAMNet) Rendezvous, Tucson, AZ, March, 2010
 Presentation on Complexity and Social-Ecological Systems: Lessons for resilience and sustainability. PhD Colloquium, Prescott College, November, 2009

RECENT PAPERS

Comparison of Dynamic Model Inputs and Outputs of the Middle Rio Grande Basin (2011)
 A review of *Copenhagen and the governance of adaptation*, Liverman and Billett (2010)
 Reflexive adaptation, social limits, and adaptive cycles (2009)
 Sustainability indicators and the Albuquerque Basin (2009)

OTHER PROFESSIONAL AND CIVIC ACTIVITIES

Middle Rio Grande Water Assembly, President 2011- 2012
 Albuquerque/Bernalillo County Air Quality Control Board, (Chair 2006-2008, 2009-2011)
 Mid-Region Council of Governments, Public Involvement Committee, 2001 to 2007 (Chair 2005-2006)
 City of Albuquerque Environmental Planning Commission, 2003 through 2005 (Chair 2005)
 North Valley Coalition of Neighborhood Associations, President 1997-2003

Robert A. Goldstein, M.D.

Curriculum Vitae

Contact information

29 Tierra Monte
Albuquerque, New Mexico 87122
505-797-2126
robgo2@earthlink.net

Background

Date of birth: August 5, 1945
Place of birth: Chicago, Illinois

Education

Northwestern University Medical School, M.D. 1970
Northwestern University Medical School, B.M.S. 1967
Carleton College 1963-1966

Residency and Fellowship Training

Washington University in St Louis School of Medicine Fellowship in Pulmonary Disease
1973-1974 and 1976-1977
Barnes Hospital, St Louis Internship and Residency in Internal Medicine 1970-1973

Board Certifications

Critical Care Medicine 1987-2007
Pulmonary Disease 1978
Internal Medicine 1974

Professional Society Memberships

American Thoracic Society
American College of Chest Physicians

Honors and Awards

Fellow American College of Chest Physicians
Alpha Omega Alpha Medical Honor Society

Employment

ABQ Health Partners, Albuquerque, New Mexico 2008-2010
 Lovelace Clinic/Lovelace Health Systems, Albuquerque, New Mexico 1977-2008
 United States Army, Fort Leonard Wood, Missouri 1974-1976

Positions Held

Chair, Division of Pulmonary Disease, Lovelace Medical Center 1985-2000
 Medical Director, Critical Care Unit, Lovelace Medical Center 1985-2000
 Medical Director, Department of Respiratory Care, Lovelace Medical Center 1985-2000
 Chair, Critical Care Committee, Lovelace Medical Center 1985-2000

Licensure

Missouri 1973-1980
 New Mexico 1977-present

Publications

Goldstein RA, "Acute Respiratory Failure." Chapter 8 in Boedeker EC, Dauber HJ, eds, Manual of Medical Therapeutics, 21st edition. Boston: Little, Brown & Co, 1974: 157-70

Goldstein RA, Starcher BC. "Urinary excretion of elastin peptides containing desmosine after intratracheal injection of elastase in hamsters." J Clin Invest 1978; 61(5): 1286-90.

Starcher BC, Goldstein RA. "Studies on the absorption of desmosine and isodesmosine." J Lab Clin Med 1979; 94(6): 848-52

Walters DG, Goldstein RA. "Adult respiratory distress syndrome and gonococchemia." Chest 1980; 77(3): 434-6.



Board of County Commissioners (BCC)

Meeting: 03/26/13 03:00 PM

Department: Public Works
Prepared By: Julie Baca
Director: Jarvis Middleton
DCM: Jarvis Middleton

Title: Public Works Selection Advisory Committee

Action:

Motion to approve appointments to the Public Works Selection Advisory Committee.

Summary:

The County Public Works Selection Advisory Committee is authorized through Section 2-398 of the County Code. The Committee is comprised of five members to include a citizen-at-large not associated with the County or any professional firm. Members are selected from County staff and the citizen-at-large and alternate shall serve two-year terms.

If approved, the existing citizen-at-large members, Roger Zimmerman, Ph.D., P.E., and alternate Norm Falk, are nominated to serve successive terms. Many of the issues brought before the Committee will benefit from their educational background and experience as engineers. The duties of the Committee are to render advice on the selection of professional architectural, engineering and other design professional services required on all Public Works projects. Nominations for the year 2013-2014 follow.

1. Citizen-At-Large Roger M. Zimmerman, Ph.D., P.E.; Alternate-Norm Falk.
2. Deputy County Manager for Public Works; Alternate-Infrastructure Planning Geo Resources Director
3. Public Works Technical Services Director; Alternate-Solid Waste and Diversified Services Director
4. Assigned Technical Services Section Manager
5. Senior Buyer; Alternate-Purchasing Director

Departments in other divisions may have procurements for professional services that warrant utilizing this 'Selection Advisory Committee' process. The use of alternates under Section 2-398 allows the respective Deputy County Manager, Department Director, and assigned Section Manager that are applicable to the procurement to sit on the Selection Advisory Committee in lieu of the Public Works Division staff presented above. As an example, for a Parks & Recreation trail project, the DCM for Community Services, the P&R Director, and the assigned P&R section manager would sit on the committee.

Staff requests the Board's approval of the list of appointments as presented, including the approval of the use of alternates from other departments for their applicable projects.

Attachments:

- Zimmerman Resume (DOC)
- Falk Resume (DOC)

Staff Analysis Summary:

Deputy County Managers Jarvis Middleton Completed 03/08/2013 3:26 PM

Roger M. Zimmerman and Norm Falk are highly recommended and have an extensive history and experience in their fields. I recommend Board approval. JDM 3/8/2013

County Manager Tom Zdunek Completed 03/20/2013 3:22 PM

In accordance with County Code, this item is presented every two years for Board appointment of committee members. I recommend Board approval. TZ 03/19/13

Board of County Commissioners Yvette Chavez Pending

RESUME

Roger M. Zimmerman, Ph. D., P. E.

Engineering Analyses, LLC
1600 Torribio Ct. NE
Albuquerque, NM 87112
e-mail: rmzimme@aol.com

Phone: (505)-292-3009 (B)
Phone: (505)-292-5734 (H)
Fax: (505)-298-8902

Born: Rehoboth, New Mexico, May 15, 1936

EXPERIENCE BASE

- More than 20 years in project management assignments including proposal preparation, technical supervision, and full range of planning, scheduling, personnel assignments, progress and final reports, and budgeting responsibilities for projects, many involving millions of dollars.
- Seven years administrative experience in university environment including serving as Acting Dean of Engineering.
- Over 15 years undergraduate and graduate instruction in solid mechanics, structural dynamics, structural analyses, materials testing, and steel and concrete design.
- Extensive testing, analyses, and documentation on:
 - thermal and mechanical phenomena associated with conventional weapon induced damages to underground facilities
 - applications of high tech mechanical shocks to qualify components and structural subsystems for weapons use
 - hardware and analyses for pyrotechnic shock simulations
 - thermal and mechanical behavior of welded tuffs to explore potentials for storage of commercial nuclear wastes
 - investigations of mining effects in welded tuffs in typical nuclear waste configuration
 - responses of anthropomorphic dummies and cadavers subjected to side and rear impacts
 - developments of triaxial strengths of concrete materials
 - effects of padding in school bus seat safety investigations
 - measuring vibration properties of bridges that might be subjected to earthquakes.
- Planned, managed collection, and analyzed data from over 900 sensors used to transmit PCM formatted thermal and mechanical data from ballistic missiles and targets.
- Supervised systems integration of Synthetic Aperture Radar (SAR) based module into conventional bomb unit that included obtaining flight certification from the USAF Seek Eagle Office and coordination with USAF flight units.
- Supervised numerical modeling efforts to predict behavior of materials or structures for tests involving rock mechanics, bomb structural analyses, and concentrated heat source induced combustion.

- Developed G-tunnel Underground Facility as full-scale nuclear waste repository investigation facility at the Nevada Test Site.
- Developed new high-tech ultrasonics inspection technique for Space Shuttle tiles.
- Developed diamond toothed chain saw to cut smooth, planar slots in welded tuffs
- Developed new method for triaxial testing of concretes.
- Defined environmental test requirements (mechanical, thermal, electrical, electromagnetic, humidity) for preparation of hardware for both air and space flight systems.
- Performed Fishbone related failure analyses on missile and related payloads.
- Organized, directed, and/or coordinated technical and professional meetings at local and state level.
- Served as expert witness in two district court cases involving traffic accidents with bodily injuries.

WORK EXPERIENCES

10/00-. Consultant: Engineering Analyses, LLC.

8/92-10/00. Project Manager and Principal Investigator, Aerospace Systems Development Center, Sandia National Laboratories.

8/88 - 8/92. Project Leader, Mechanical Shock Laboratory, Sandia National Laboratories.

4/80 - 8/88. Principal Investigator and Project Manager, Yucca Mountain Project, Sandia National Laboratories.

8/79 - 4/80. Visiting Scientist, Albuquerque Development Laboratory, Rockwell International Science Center.

7/75 - 8/79. Professor of Civil Engineering and Senior Engineer at Physical Science Laboratory, New Mexico State University.

6/74 - 7/75. Acting Dean of Engineering, New Mexico State University.

7/72 – 6/74. Associate Dean of Engineering and Professor of Civil Engineering, New Mexico State University.

7/70 – 7/72 . Assistant Dean of Engineering, and Professor of Civil Engineering, New Mexico State University.

7/67 – 7/70 . Assistant Dean of Engineering, and Associate Professor of Civil Engineering, New Mexico State University.

8/64 – 7/67. Assistant Professor of Civil Engineering, New Mexico State University.

7/63 – 7/64. Research Associate in Civil Engineering, University of Colorado.

8/59 – 7/63. Instructor in Civil Engineering, University of Colorado.

FORMAL EDUCATION

- Ph. D., Structural Mechanics, University of Colorado, 1965.
- MS, Civil Engineering, University of Colorado, 1961.
- BS, Civil Engineering, University of Colorado, 1959.
- High School, New Mexico Military Institute, 1954.

OTHER SKILLS/EXPERIENCE/ ACTIVITIES NOT LISTED ABOVE

- Board of Directors, ABET, Inc, (2001-2008)
- Commissioner to Engineering Accreditation Commission for ABET, Inc. (1996-2001).
- Invited contributor to National Research Council Study on Quality Assurance Aspects of Geotechnical Practices for Underground Radioactive Waste Storage Repositories (1989).
- Invited contributor to U. S. National committee on Rock Mechanics annual publication on Rock Mass Contributions (1988).
- Participant as evaluator for Accreditation Board for Engineering and Technology (ABET) Engineering Accreditation Teams under sponsorship of American Society of Civil Engineers (1977-83).
- NSF panelist for review of research proposals (1973-74).
- Director of Cooperative College-School Science Program for Introduction of Engineering to High-School Teachers (NSF sponsorship, 1969-70).
- Participant in NSF sponsored Summer Institutes in Advanced Mechanics at University of Colorado (1962 and 1963).
- Chairman, ACEC/NM Engineering Excellence Awards Committee, (1998-)
- Member University of Colorado College of Engineering- Engineering Advisory Council (2005-2009)

MISCELLANEOUS

- Registered Professional Engineer in New Mexico, #4402
- Security Clearance: DOE Q cleared
- New Mexico Society of Professional Engineers: National Director, 1998-2000; State President, 1996-97; Albuquerque Chapter President, 1991-92.
- New Mexico Engineering Societies Presidents Council: President 1992-93.
- American Society of Civil Engineers: President New Mexico Section, 1974-75.
- Publications (List on request): Major Topics
 - Underground Radioactive Waste Storage
 - Concrete Properties
 - Transportation Related

- Facility Damage
- Other (various topics and media).
- Book Author: KITCHEN'S OPERA HOUSE, Gallup New Mexico, December 2002. Digital 1 Presentations, Albuquerque, NM.
- Honors:
 - New Mexico Society of Professional Engineers: Engineer of Year (1992), Outstanding Engineer in Industry Award (1994); and Ingeniero Veterano de Nuevo Mexico Award (1999), Outstanding Engineer in Practice Division (2005).
 - Sandia National Laboratories: Distinguished Member of Technical Staff (1990).
 - American Society of Civil Engineers: Fellow (1989).
 - National Society of Professional Engineers: Fellow (2001).
 - National Society of Professional Engineers: Special Recognition for Exceptional Service and Leadership (2004).
 - New Mexico State University: Honor Member, Academy of Civil Engineering (2006).
 - New Mexico State University; Chapter Honor Member, Chi Epsilon (2006).
 - New Mexico State University: Cardinal Key Teacher of Year Award (1979).
 - Who's Who in Engineering (1977).
 - American Society Engineering Education: Dow Chemical Company Young Faculty Award (1969) .
 - ACEC/NM : Honoree for Best Engineering Panel Award for Engineering Excellence Awards (2008).
 - Member of Sandia National Laboratories Space Shuttle Columbia Accident. Investigation Team (2004). Recognized by Lockheed Martin Corporation.
- Initiated minority recruitment program for engineering students at NMSU (1974).
- Started Civil Engineering Honorary, Chi Epsilon, and Society of Women Engineers Student Chapters at NMSU.

February 7, 2011

RESUME

Norman D. Falk, PE

Tel. (H) 505-291-8869

Education:

U.S. Naval Academy, Annapolis, MD
Bachelor of Science, 1960

Rensselaer Polytechnic Institute, Troy, NY
Bachelor of Civil Engineering, 1962

University of Michigan, Ann Arbor, MI
Master of Urban Planning, 1971

Harvard Graduate School of Business Administration, Boston, MA
Program for Management Development, 1979

New Mexico Engineering Research Institute (NMERI) University of New Mexico (UNM) (July 1985-Retired September 1999) Continuously employed as described below. NMERI is an applied research division of UNM's School of Engineering. Projects were executed under the terms of contracts or grants. Specified deliverables were produced according to agreed schedules and budgets.

Sandia National Laboratories, Licensing Specialist. (July 1997-October 1998) Responsible for negotiating licenses for commercialization of intellectual property developed by Sandia researchers.

Program Manager, Project Operations, U.S. Industry Coalition (USIC). (April 1994-May 1997) USIC is a membership corporation, that was managed by the New Mexico Engineering Research Institute, University of New Mexico, which sponsors technology commercialization projects through the Department of Energy's (DOE) Initiative for Proliferation Prevention (IPP) program. These projects are designed to transfer technologies developed by scientific institutes in the Former Soviet Union (FSU) into commercial products. Approximately 60 projects representing \$33 million of program funding were successfully initiated.

Interim President, USIC. (June 1996-February 1997) Performed executive and administrative functions required of the president in addition to Project Management responsibilities while a search was being conducted for a permanent president.

Director, Technical Analysis Division, a division of the New Mexico Engineering Research Institute, University of New Mexico. (1986-April 1996) The division provided technical assistance to state and local governments with planning and management of infrastructure facilities and environmental programs.

Director, Environmental Finance Center (EFC). (June 1992-June 1996) The EFC was funded by the U.S. Environmental Protection Agency to provide a university-based focal point for education, training, and technical assistance for improved innovative approaches to assessing and financing environmental facilities.

Director, Readiness Technical Analysis Group. (July 1985-March 1993) A special project sponsored by the Air Force Civil Engineer. Provided studies and analyses focused on Civil Engineering needs for RDT&E, readiness, and business practices.

Captain, United States Navy, Civil Engineer Corps. (1960-1985, ensign through captain). Duties included management of Navy facilities R&D at headquarters level, and command of the Naval Civil Engineering Laboratory, a multiple-program full-spectrum laboratory with annual budget of over \$50 million and 400 employees. Laboratory technical programs ranged from basic research to engineering development in disciplines such as energy, environment, structures, materials, and ocean engineering. Managed a \$500 million acquisition program for ship-to-shore cargo transfer equipment. Established program management office, and initiated initial production contract on schedule and within budget. Responsible for planning facilities construction programs, and managing public works functions at several major navy bases. Other assignments included Seabee duty at overseas bases, and facilities engineering responsibilities on two major command staffs.

Registered professional engineer (Civil) in California and New Mexico. Past member and chairman of the Albuquerque International Airport Advisory Board; member and past president of the Albuquerque chapter of the New Mexico Society of Professional Engineers; and member and past president of the Albuquerque Post, Society of American Military Engineers. (California license was allowed to expire, and New Mexico license was retired when I retired.)

Security clearance. Department of Defense—Secret; Department of Energy—Q clearance (inactive).

Married, with four children and three grandchildren.



Board of County Commissioners (BCC)

Meeting: 03/26/13 03:00 PM

Department: Board of County Commissioners

Prepared By: Connie Gilman

Director: Tom Zdunek

DCM:

Sponsors: Johnson

Title: Estancia Basin Water Planning Committee Appointment

Action:

Motion to approve the reappointment of Daniel McGregor to the Estancia Basin Water Planning Committee.

Summary:

The Estancia Basin Water Planning Committee was formed through a Memorandum of Understanding (MOU) with Torrance and Santa Fe Counties in 1995. The MOU specifies thirteen (13) voting members with the addition of various non-voting members for coordinated water planning in the Estancia basin. The MOU specifies two Bernalillo County members: 1) a government representative; and 2) a representative from the municipal/developer/utility interest. Mr. McGregor was originally appointed as the government representative in December 2005 and his current term has expired.

Mr. McGregor is a Certified Professional Geologist through the American Institute of Professional Geologists, a Licensed Geologist in the State of Texas, and a member of the New Mexico Geologic Society. During his tenure as the County Hydrogeologist within the Public Works Division Infrastructure Planning and Geo Resources Department, he has brought all County wells and wastewater systems into permit compliance, has performed numerous subdivision and special use application reviews for the CDRA and CPC, and has provided technical assistance to other County departments. During his past terms with the Estancia Basin Water Planning Committee, he has been instrumental in the *Update of the Estancia Basin Regional Water Plan*, serves as the Committee's representative on the Interstate Stream Commission's Regional Water Planning Advisory Committee, and has reviewed major subdivision and water development proposals within the Estancia Basin on behalf of the Committee. He has also been instrumental in helping the Committee acquire grant funding. This is a three (3) year term and will expire March 26, 2016.

Attachments:

- Dan McGregor Resume March 2013 (DOCX)

Staff Analysis Summary:

Board of County Commissioners Yvette Chavez Pending

505-265-1713
CPG09335@hotmail.com

Daniel McGregor Hydrogeologist

1217 Mesilla St. NE
Albuquerque, NM 87110

Over twenty-five years diversified experience for commercial, municipal, state, and federal clients and agencies. Specializing in groundwater resource and soil and groundwater investigation and remediation. Successfully managed projects valued up to \$300,000 and provided controls for projects in excess of \$3 million.

Licenses, Certifications, and Training

Certified Professional Geologist (CPG 09335), American Institute of Professional Geologists
Texas Geology License, #3024, Texas Board of Professional Geoscientists
Water Sampling Technician Level 2, NM # 08154, New Mexico Utility Operator Certification Program,
OSHA 40-Hour HAZWOPER / 8-Hour Refresher / Site-Supervisor Refresher

Previous Expert Witness and Litigation Support

New Mexico Public Regulation Commission

Case No. 08-00177-UT New Mexico Water Service Company Petition For Declaratory Order to Address the Meaning and Intent of the Final Order Entered by the New Mexico Public Regulation Commission on May 23, 2006, in Case NO. 05-00208-UT and Case No. 05-003050UT Consolidated. Submittal of Direct and Rebuttal Testimony on Behalf of County

Organizational Instruction and Support

- New Mexico Water and Wastewater Association, Central School Instructor, Groundwater and Wells / Pumps and Wells, 2007 through 2012.
- New Mexico Rural Water Association, Annual Conference Instructor, Groundwater and Wells, 2006, 2007, 2008, 2009
- New Mexico Rural Water Association, Technical Conference, Water Operators Certification Trainer, Groundwater and Well, 2006
- STATEMAP, Bernalillo County Representative / New Mexico Bureau of Geology and Mineral Resources (2005 through Present)
- Estancia Basin Water Planning Committee, Bernalillo County Governmental Representative (2005 through Present)
- Regional Water Planning Advisory Council / Interstate Stream Commission, 2009 to Present
- Mid-Region Council of Governments Water Board – Bernalillo County Alternate, 2011 to Present
- National Groundwater Association, Member #3157180
- New Mexico Geologic Society, Lifetime Member

Formal Education and Continuing Professional Education

Wright State University, Dayton, OH. Graduate Studies, 1991-1992, Principles of Hydrogeology, Applied Hydrogeology, Legal Framework of Groundwater Protection (12 Hours Credit).

Texas A&M University, College Station, TX. B.S., Geology with Engineering Option, 1981-1983 – Standard geology course work coupled with technical emphasis in civil engineering course in soils, water resources, hydrogeology, fluid dynamics, and engineering geology.

Continuing Professional Education

- The New MODFLOW Course: Theory and Hands-On Applications/ National Groundwater Association, 2010

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Daniel McGregor Hydrogeologist

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- Groundwater Geochemistry and Isotopes / National Ground Water Association, 2009
- New Mexico Water Markets / John Shoemaker and Associates and H₂O Economics, 2006, 2008
- Workshop on New Mexico Water Resources / New Mexico Technical University, 2008
- Site Characterization in Support of Fractured Rock Remediation Projects / National Groundwater Association, 2006
- Water System Regionalization Efforts and Issues / USDA – Rural Community Assistance Corp. 2006
- Fundamentals of Drilling / WDC Exploration, 2006

Professional and Project Experience Highlights

Bernalillo County, New Mexico

Currently serving as the County's Hydrogeologist in the Public Works Division, Water Resources Program and Water Resources Program Manager (Acting – May 2012 to Present)

- Completion and authoring of the *South Valley Agrichemical Water Quality Impact Study*
- Completion and authoring of the *Bernalillo County Regional Groundwater Monitoring Report* and the follow on *2008 Update*
- Completion and authoring of the *Estancia Basin Regional Water Plan, 2010 Update*
- Completion of and authoring of the *South Broadway Landfill Annual Sampling Report* for 2005 through 2011.
- Managed Joint Funding Agreement projects with USGS resulting in USGS publications SIR 2008-5179 *Precipitation, Ground-water Hydrology and Recharge Along the Eastern Slopes of the Sandia Mountains, Bernalillo county, New Mexico* (McCoy and Blanchard)
- Technical reviewer for USGS publication SIR 2009-5204, revised April 2011. *Groundwater Resources of the East Mountain Area, Bernalillo, Sandoval, Santa Fe, and Tarrant Counties, New Mexico, 2005.*
- Participation in the County Development Review Authority and County Planning Commission staff review of all major subdivision applications including water availability statements, groundwater resource availability evaluations, determination of "70-year supply" standard, and all associated hydrogeologic reports, and water conservation measures reviews
- Initiation of the County's Water Level Monitoring Project and Joint USGS Septic Recharge projects.
- Completion of County well system and wastewater system compliance upgrades
- Review of modeling, monitoring, and remediation efforts for NMED-permitted RCRA projects located in Bernalillo County, Kirtland AFB fuel spill, and Sandia National Laboratories in support of activities of the Water Protection Advisory Board

City of Brownsville, TX; Trinity River Authority, TX; City of Pflugerville, TX; City of Tyler, TX – Municipalities and river authority evaluating groundwater supplies from Quaternary alluvium, carbonate, and sandstone aquifers.

- Conducted groundwater resource evaluations to evaluate existing capacities.

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CPG09335@hotmail.com

Daniel McGregor Hydrogeologist

1217 Mesilla St. NE
Albuquerque, NM 87110

- Planned and supervised exploratory drilling programs and targeted well field expansion areas.
- Supervised construction of municipal supply wells.

Calvert Creek Lignite Mine: ALCOA / Sandow Mine: Central Texas

- Conducted water well inventories in surrounding multi-county area.
- Reviewed water well construction records, electric logs, and drillers logs
- Modeled and evaluated mine depressurization scenarios and impact on existing supply wells
- Planned and supervised construction of large volume mine depressurization wells and facility sanitary supply wells.
- Conducted and evaluated multi-well, long-term pumping tests on depressurization wells

Pantex Facility, Amarillo, TX – DOE facility for assembly, maintenance, and disassembly of nuclear weapons. Investigated over 23 suspected spill and disposal sites for soils and groundwater contamination, including the National Priority List Burning Grounds Site.

- Planned and implemented soils and groundwater investigations at high explosive and radiation release sites, waste treatment facilities, and chemical holding tanks.
- Utilized soil gas surveys, electromagnetic surveys, soil sampling, and deep monitor wells.

Tinker AFB, OK – Air Force logistics operations, including jet engine facilities and AWACs support functions. Performed contract management, schedule and cost tracking, sample shipping, and waste management and disposal activities.

- Simultaneously managed two investigations using nine direct reports and six subcontract crews.
- Coordinated activities with base security, operations, and environmental support sections.
- Investigated potential releases and soils and groundwater contamination at unexploded ordnance areas, air operation in-field areas, fuel handling facilities, vehicle maintenance buildings, and wastewater treatment areas.

Yucca Mountain Nuclear Waste Repository – Planned national nuclear waste storage and retrieval facility to be located at Yucca Mountain Nevada. Technical investigation and authorship of Features, Events and Processes (FEPS) scenario planning for a wide variety of geologic process / engineered system interactions.

Technical Consulting Experience

Groundwater resources and municipal supplies
DOE, NRC, EPA, OSHA and DOT compliance
Petro- and agricultural-chemical investigations
Expert witness testimony preparation

RCRA and CERCLA investigations
DOE and DOD facilities
Remedial options evaluation and costing
Due-diligence investigations

Project Management Experience

- Controlled \$3 million federal fixed-price soils investigation – \$200,000 over planned profit
- Managed \$300,000 state-funded storage tank project – on time and on budget
- Administered analytical lab subcontract valued at \$100,000 – no cost overrun
- Managed simultaneous field investigations using nine direct reports and subcontractors

Employment History and Achievements

Hydrogeologist / Bernalillo County Public Works, Albuquerque, NM 2005 to Present
Water Resources evaluation, investigation, and planning; Water Conservation Review and Implementation; Stormwater Quality Management, Water Resources Program management.

505-265-1713
CPG09335@hotmail.com

Daniel McGregor
Hydrogeologist

1217 Mesilla St. NE
Albuquerque, NM 87110

- Evaluated major subdivision plans regarding water availability and water conservation
- Managed County's groundwater monitoring programs and prepared related reports
- Coordinated intergovernmental and interdepartmental groundwater programs

Economic Analyst / E3c, Inc., Albuquerque, NM
Natural resources related economic consulting

2004 to 2005

- Assisted principal in Department of Justice litigation expert witness preparation

Geoscientist / AREVA Framatome-ANP – DES, Albuquerque, NM
Engineering and environmental consulting services

1998 to 2004

- Technical groundwater evaluation and compliance review for nuclear fuel facilities in Arkansas and Louisiana, scenario planning for nuclear waste repository in Nevada, and groundwater modeling and compliance review for a rare earth waste facilities in northern Illinois and former uranium mine in western New Mexico.
- Managed field-scale pilot test of in-situ surfactant remediation technology at a former Ohio oil refinery site
- Assisted with South Valley Superfund Site case file review for Modrell-Sperling Law Firm.
- Planned and implemented groundwater resource and monitoring for central Texas landfill expansion
- Supervised quarterly sampling activity at chlorinated solvents site in Espanola, New Mexico.

Geologist / IT Corporation, Austin, TX
Environmental consulting services

1989 to 1998

- National Quality Award for Pantex Project performance
- Trained staff for large-scale investigation projects / Developed in-house training materials.
- Performed numerous soil and groundwater investigations throughout the High Plains of Texas, central Oklahoma, East Texas, and in southern Louisiana and Florida.

Geologist-Hydrogeologist / R.W. Harden and Associates, Austin, TX
Groundwater resources and development consulting

1985 to 1989

- Performed water well inventories, pumping test, and well construction
- Sited and completed 1,200 gpm supply allowing waiver of "per tap" development fees
- Provided groundwater technical basis for permitting of the Calvert Creek mine
- Developed and modeled depressurization plans for Calvert Creek and Sandow mines
- Performed regional groundwater reconnaissance investigations in Rio Grande Valley of South Texas, for a major East Texas regional municipality, and throughout the central and east Texas lignite belt

Soils Technician and Materials Inspector / Rone Engineers, Inc. Fort Worth, TX
Geotechnical engineering and construction materials testing

1984 to 1985